GOVERNMENT OF MYSORE

LEGISLATIVE DEPARTMENT

THE MYSORE CODE

IN FOUR VOLUMES

VOLUME IV

UNREPEALED MYSORE ACTS

1951-1954

BANGALORE :
PRINTED BY THE DIRECTOR OF PRINTING, STATIONERY AND
PUBLICATIONS AT THE GOVERNMENT PRESS
1955

Rs. 7—8—0

PREFACE

THIS edition of the Mysore Code contains all unrepealed Mysore enactments from the year 1850 till the end of December, 1954. It consists of four volumes. Volume I contains the Acts from 1850 to 1920; Volume II the Acts from 1921 to 1944; Volume III the Acts from 1945 to 1950 and Volume IV the Acts from 1951 to 1954.

2. The Acts included in this edition are printed as modified up to the end of December 1954. The modifications made by the Mysore Adaptation of Laws Order, 1953, issued under section 54 of the Andhra State Act, 1953 (Central Act 30 of 1953) have also been carried out.

3. This edition is issued in the style of a loose leaf binder in order to make it easier to replace the corrected pages and keep the copy up-to-date. The pages of each volume are numbered separately. Whenever changes are made hereafter by any repealing or amending enactment, replacement pages will be issued embodying such changes for insertion at the appropriate places in the four volumes.

4. The enactments which are in force in Bellary District by virtue of section 53 of the Andhra State Act, 1953, have not been included in this edition. Amending Acts which make textual amendments to the principal Acts have also been omitted except those which amend Central Acts.

5. The enactments have been printed in chronological order. A chronological table is prefixed to each volume showing the short titles of the enactments contained therein and the manner in which each enactment has been affected by later legislation. An alphabetical index of Acts included in the volume is annexed at the end of each volume.

M. SADASIVAYYA,

BANGALORE,
Dated 1st February 1955.

Additional Secretary to Government for Revision of State Laws.

CHRONOLOGICAL TABLE.

VOLUME IV.

Year	Number	Short title	Repeals and amendments	Page
1951	III	The Mysore Appropriation Act, 1951.	.. .. ..	1
	V	The Mysore Education Cess (Validation of Recovery) Act, 1951.	.. .. ..	4
	VIII	The Mysore Survey and Boundaries Act, 1951.	.. .. ..	6
	X	The Mysore Appropriation No. 2 Act, 1951.	.. .. ..	14
	XI	The Mysore Appropriation No. 3 Act, 1951.	.. .. ..	16
	XII	The Mysore Motor Vehicles Taxation and Tolls Act, 1951.	.. .. ..	19
	XV	The Mysore Restriction of Meetings near the Legislative Assembly Act, 1951.	.. .. ..	46
	XVI	The Mysore Cinematograph Shows Tax Act, 1951.	.. .. ..	48
	XVII	The Mysore Cultivation of Fallow Lands Act, 1951.	.. .. ..	51
	XVIII	The Mysore Health Cess Act, 1951	.. .. ..	56
	XIX	The Mysore Livestock Improvement Act, 1951.	.. .. ..	58
	XX	The Mysore State Aid to Industries Act, 1951.	.. .. ..	66
	XXII	The Mysore Town Municipalities Act, 1951.	Repealed in Part by Act 19 of 1954 Amended by Acts I of 1952, 16 of 1953 and 19 of 1954.	77
	XXV	The Mysore Legislature (Prevention of Disqualification) Act, 1951.	Amended by Acts XXXI of 1951, XII of 1952 and 16 of 1954.	246
	XXVII	The Mysore Lotteries and Prize Competitions Control and Tax Act, 1951.	Repealed in Part by Act 17 of 1953 Amended by Acts VIII of 1952 and 17 of 1953.	247
	XXIX	The Mysore Warehouses Act, 1951	Amended by Act XVII of 1952 ..	262
	XXX	The Mysore House Rent and Accommodation Control Act, 1951.	Repealed in Part by Act 22 of 1954 Amended by Act 22 of 1954.	273
	XXXII	The Mysore Transfer of Property (Extension to Agricultural Land) Act, 1951.	.. .. ..	309

Year	Number	Short title	Repeals and amendments	Page
1951	XXXIII	The Mysore Legislature (Prohibition of Simultaneous Membership) Act, 1951.	.. .. ..	310
	XXXV	The Mysore High Court (Amendment) Act, 1951.	.. .. ..	312
	XXXVII	The Mysore Appropriation (No. 4) Act, 1951.	.. .. ..	313
	XXXVIII	The Mysore Civil Courts (Amendment) Act, 1951.	.. .. ..	315
	XXXIX	The Mysore Suits Valuation Act, 1951.	.. .. ..	316
1952	IV	The Mysore Village Panchayets and District Boards Act, 1952.	Amended by Acts XXVIII of 1952 and 1 of 1954.	320
	VIII	The Mysore Race-Courses Licensing Act, 1952.	.. .. ..	424
	X	The Mysore Appropriation Act, 1952.	.. .. ..	430
	XI	The Mysore Appropriation (Vote on Account) Act, 1952.	.. .. ..	433
	XIII	The Mysore Tenancy Act, 1952 ..	Amended by Act 5 of 1954 ..	436
	XIV	The Code of Civil Procedure (Mysore Amendment) Act, 1952.	.. .. ..	459
	XV	The Payment of Wages (Mysore Amendment) Act, 1952.	.. .. ..	461
	XVI	The Mysore Labour (Administration) Act, 1952.	.. .. ..	463
	XIX	The Mysore Ministers Salaries and Allowances Act, 1952.	Amended by Act 19 of 1953 ..	465
	XX	The Mysore Legislature Salaries Act, 1952.	Amended by Acts 20 of 1953 and 17 of 1954.	470
	XXI	The Mysore Appropriation (No. 2) Act, 1952.	.. .. ..	479
	XXIII	The Mysore Restriction of Habitual Offenders Act, 1952.	.. .. ..	482
	XXVII	The Mysore Places of Public Resort Act, 1952.	.. .. ..	490
	XXIX	The Mysore Prohibition of Smoking in Show Houses and Public Halls Act, 1952.	.. .. ..	494
	XXX	The Mysore Appropriation (No. 3) Act, 1952.	.. .. ..	497
	XXXI	The Mysore Cinemas (Regulation) Act, 1952.	.. .. ..	499

Year	Number	Short title	Repeals and amendments	Page
1952	XXXIII	The Mysore Silk Worm Seed (Control of Distribution) Act, 1952.	.. .. ..	503
1953	1	The Mysore Appropriation Act, 1953.	.. .. ..	509
	2	The Mysore Appropriation (No. 2) Act, 1953.	.. .. ..	511
	6	The Mysore Public Debt Act, 1953.	.. .. ..	514
	11	The Evacuee Interest (Separation) Mysore Supplementary Act, 1953.	.. .. ..	525
	13	The Mysore Agriculturists' Relief (Amendment) Act, 1953.	.. .. ..	526
	14	The Motor Vehicles (Mysore Amendment) Act, 1953.	.. .. ..	528
	15	The Industrial Disputes (Mysore Amendment) Act, 1953.	.. .. ..	529
	18	The Mysore Appropriation (No. 3) Act, 1953.	.. .. ..	530
1954	2	The Madras District Boards (Mysore Amendment) Act, 1954.	.. .. ..	532
	3	The Mysore Appropriation Act, 1954.	.. .. ..	533
	5	The Mysore Tenancy (Amendment) Act, 1954.	.. .. ..	536
	6	The Madras Preservation of Private Forests (Mysore Amendment) Act, 1954.	.. .. ..	537
	7	The Madras Sugar Factories Control (Mysore Amendment) Act, 1954.	.. .. ..	538
	8	The Mysore Co-operative Societies (Extension of Application to Bellary) Act, 1954.	.. .. ..	539
	11	The Mysore Stamp (Amendment) Act, 1954.	.. .. ..	541
	12	The Mysore Appropriation (No. 2) Act, 1954.	.. .. ..	542
	13	The Mysore Appropriation (No. 3) Act, 1954.	.. .. ..	545
	20	The Mysore Police (Amendment) Act, 1954.	.. .. ..	547
	22	The Mysore House Rent and Accommodation Control (Amendment) Act, 1954.	.. .. ..	550

Year	Number	Short title	Repeals and amendments	Page
1954	23	The Mysore Maternity Benefit (Extension to Bellary) Act, 1954.	.. .. ..	551
	24	The Mysore Shops and Establishments (Extension to Bellary) Act, 1954.	.. .. ..	553
	26	The Madras General Sales-Tax (Mysore Amendment) Act, 1954.	.. .. ..	555
	28	The Madras Tenants and Ryots Protection (Mysore Amendment) Act, 1954.	.. .. ..	556
	29	The Mysore Contract (Extension to Agricultural Land) Act, 1954.	.. .. ..	557

MYSORE CODE

VOLUME IV

(UNREPEALED MYSORE ACTS—*contd.*)

MYSORE ACT No. III OF 1951.

THE MYSORE APPROPRIATION ACT, 1951.

(Received the assent of His Highness the Maharaja on the third day of March 1951.)

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-one.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-one;

It is hereby enacted as follows :—

1. This Act may be called the Mysore Appropriation Act, 1951. Short title.

2. From and out of the Consolidated Fund of the State there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of two hundred and four lakhs thirty-eight thousand and five hundred and sixty-five rupees towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, one thousand nine hundred and fifty-one in respect of the services specified in column 2 of the Schedule. Issue of Rupees 2,04,38,565 out of the Consolidated Fund of the State for the year 1950-51.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, one thousand nine hundred and fifty-one.

SCHEDULE.

No. of vote	Services and Purposes	Sums not exceeding Voted by the Legislative Assembly
	A. Expenditure met from Revenue.	Rs.
2	2. Forest	1,17,300
7	12. General Administration	8,17,400
9A	15. Pensions and Allowances	50,000
10	16. Stationery and Printing— 3. Government Book Depot Educational Books and Maps 2,00,000	
	Deduct—Sale proceeds of Educational Books and Maps 1,99,900	100
11	17. Miscellaneous	21,000
14	20. Police	7,55,500
15	21. Medical	6,10,925
18	24. Civil Works	25,39,750
19	24-A. Communications	2,00,000
19A	24-B. Flying School—Post-war Development Schemes	55,000
20	26. Education	2,00,000
21	27. Agriculture	17,200
	27-A. Animal Husbandry	85,000
23	27-C. Sericulture	1,59,660

No. of vote	Services and Purposes	Sums not exceeding Voted by the Legislative Assembly
		Rs.
24	29. Co-operative Societies	2,02,080
25	30. Grants for Public Improvements ...	13,900
25A	31. Army	2,80,000
25B	32-B. Expenditure connected with Food and other control measures	23,87,200
29	XXV—A. Hydro-Electric Works ...	6,00,000
	B. Capital.	
37	38-B. Other Irrigation Works not met from Revenue	16,50,000
38	39. Industrial and other Works ...	9,59,000
	C. Expenditure met from Reserve, Depreciation, Road and other Funds.	
42	Industrial Development Fund	8,19,750
	D. Disbursement of Advances and Loans.	
44	Advances and Loans	78,97,800
	Total ...	2,04,38,565

MYSORE ACT No. V OF 1951.

THE MYSORE EDUCATION CESS (VALIDATION OF RECOVERY) ACT, 1951.

(Received the assent of His Highness the Maharaja on the Third day of March 1951)

An Act to validate the recovery of education cess levied and collected in the Civil Station of Bangalore, during the period beginning from the first day of July, 1949 and ending with the twenty-first day of March, 1950.

Preamble.

WHEREAS it is expedient to validate the recovery of education cess levied and collected in the Civil Station of Bangalore, by the Municipal Commission of the Civil Station of Bangalore, during the period beginning from the first day of July, 1949, and ending with the seventh day of December, 1949, and by the City of Bangalore Municipal Corporation during the period beginning from the eighth day of December, 1949, and ending with the twenty-first day of March, 1950;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Mysore Education Cess (Validation of Recovery) Act, 1951.

(2) It shall come into force at once.

Validation of the collection of education cess.

2. Notwithstanding anything to the contrary contained in any law, no collection of education cess levied and collected in the Civil Station of Bangalore, by the Municipal Commission of the Civil Station of Bangalore, during the period beginning from the first day of July, 1949, and ending with the seventh day of December, 1949, and by the City of Bangalore Municipal Corporation, during the period beginning from the eighth day of December, 1949, and ending with the twenty-first day of March, 1950, shall be called in question in any proceeding before any court on the ground that the levy and collection of the said cess was not authorised by any law for the time being

in force, and anything which has been done during the said period in purported exercise of any such power as is conferred by section 10 of the Mysore Elementary Education Act, 1941 (Mysore Act VI of 1941), and which would have been lawfully done if the Mysore Elementary Education (Amendment) Act, 1949 (Mysore Act XVII of 1949), had come into operation on the first day of July, 1949, shall be deemed to have been lawfully done.

MYSORE ACT No. VIII OF 1951.

THE MYSORE SURVEY AND BOUNDARIES ACT, 1951.

(Received the assent of His Highness the Maharaja on the Third Day of March 1951.)

An Act to provide for a survey of lands and settlement of boundary disputes.

Preamble.

WHEREAS it is expedient to provide for the survey and settlement of boundary disputes in the City of Bangalore and other cities, towns and minor municipalities in the State ;

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Survey and Boundaries Act, 1951.

(2) It extends to the [1][whole of the State of Mysore except Bellary District.]

(3) It shall come into force at once and shall apply to such areas and from such dates as may be notified by the State Government in the *Mysore Gazette* from time to time.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) " land " includes anything attached to the earth or permanently fastened to anything attached to the earth ;

(*b*) " registered holder " of any land means the person in whose name the land in question is registered in the State Government accounts or records or the accounts or records of the municipality :

Provided that when any person other than the registered holder is in lawful management of the land otherwise than as agent or servant of the registered holder or as mortgagee or lessee, such person shall be deemed to be the registered holder in respect of such land;

1. See the Mysore Adaptation of Laws Order, 1953.

(*c*) "survey" includes all operations incidental to the determination, measurement and record of a boundary or boundaries or any part of a boundary and includes a re-survey ;

(*d*) "Survey Officer" means any person appointed to be a Survey Officer under section 3 ;

(*e*) "survey mark" means any mark or object, erected, made, employed or specified by a Survey Officer to indicate or determine or assist in determining the position or level of any point or points.

Explanation.—Where any land is so registered in the names of two or more persons jointly, the registered holder shall, for the purposes of this Act, be the person who is recognised by the other joint-holders of the land or who, in case of dispute, is recognised by the Deputy Commissioner as senior joint-holder.

State Government to appoint Survey Officers.

3. (1) The State Government may, by notification in the *Mysore Gazette*, appoint any person either by name or by virtue of his office, to be a Survey Officer for all or any of the purposes of this Act.

State Government to publish jurisdiction of Survey Officer.

(2) Subject to the control of the State Government and of any officer or authority appointed by it in this behalf, every person so appointed shall exercise and perform the powers and duties of a Survey Officer within such local limits and for such periods of time as the State Government may direct.

State Government may delegate powers of control.

(3) The State Government may delegate its powers under sub-sections (1) and (2) to such officer or authority as it thinks fit.

State Government may direct the survey of any land or of any boundary of such land.

4. The State Government or, subject to the control of the State Government, any officer or authority to whom this power may be delegated by it, by notification in the *Mysore Gazette*, may order a survey of any land or of any boundary of such land in the City of Bangalore or other cities, towns and minor municipalities in the State.

Notification to be published by Survey Officer.

5. (1) When any survey is ordered under section 4, the Survey Officer shall publish a notification in the prescribed manner, inviting all persons having any interest in the land or in the boundaries of which the survey has been ordered, to attend either in person or by

agent at a specified place and time and from time to time thereafter, when called upon for the purpose of pointing out boundaries and supplying information in connection therewith.

(2) A notification published under sub-section (1), shall be held to be a valid notice to every person having any interest in the land or in the boundaries of which the survey has been ordered.

Survey Officer to carry out the survey in the prescribed manner.

6. The Survey Officer shall carry out the survey in the prescribed manner.

Cost to be charged to persons interested in the lands surveyed.

7. The cost, if any, of the labour employed and of the survey marks used in any survey notified under section 3, shall be determined and apportioned in the prescribed manner among the persons who have any interest in the land or in the boundaries of which the survey has been ordered and shall be recoverable from such persons as an arrear of land revenue. Notice of such determination and apportionment shall be given in the prescribed manner to the persons aforesaid.

Power of Survey Officer to determine and record an undisputed boundary.

8. (1) The Survey Officer shall have the power to determine and record, as undisputed any boundary in respect of which no dispute is brought to his notice.

Notice to registered holders of lands affected.

(2) Notice of every decision of the Survey Officer under sub-section (1), shall be given in the prescribed manner to the registered holders of the lands the boundaries of which may be affected by the decision.

Power of Survey Officer to determine and record a disputed boundary.

9. (1) When any boundary is disputed, the Survey Officer, after making such enquiry as he considers necessary, shall determine the boundary and record it in accordance with his decision. The Survey Officer shall record in writing the reasons for his decision.

Notice to parties to the dispute and to registered holders of lands affected.

(2) Notice of every decision of the Survey Officer under sub-section (1), shall be given in the prescribed manner to the parties to the dispute and other registered holders of the lands, the boundaries of which may be affected by the decision.

Appeal against orders under section 7, 8 or 9.

10. (1) Any person affected by a decision under section 7, 8 or 9 may appeal to the prescribed officer. The decision of the appellate authority with reasons therefor, shall be recorded in writing and notice of such decision shall be given in the prescribed manner to the parties to the appeal. Any modification of the Survey Officer's decision, ordered by the appellate authority, shall be noted in the record prepared under section 8 or 9, as the case may be.

(2) A copy of the order and a copy of the map recording the boundaries as determined under section 8, 9 or sub-section (1), shall be furnished to any person interested in such order or map, as the case may be, on his application and at his cost.

Period within which appeal should be preferred.

11. (1) An appeal under section 10 shall be preferred within three months from the date of service of notice under section 7, 8 or 9, provided that the time taken to obtain a copy of the decision and of the map, shall not be included in the period of three months allowed for appeal.

(2) No appeal preferred after the expiry of the said period, shall be admitted, provided that the appellate authority may admit an appeal after the expiry of the said period, on his being satisfied that the appellant had good and sufficient cause for not preferring the appeal within such period.

Explanation.—The fact that notice under section 7, 8 or 9 was not served personally on the appellant, shall be deemed to be good and sufficient cause within the meaning of this sub-section.

(3) No appeal shall be admitted under sub-section (2) after the issue of the notification specified in section 12.

Completion of demarcation to be notified.

12. When the survey of any land or boundary which has been notified under section 4 has been completed in accordance with the orders passed under section 8, 9 or 10, the Survey Officer shall notify the fact in the *Mysore Gazette* and a copy of such notification shall be posted in the municipal office of the area to which the survey relates; unless the survey so notified is modified by a decree of a civil court under the provisions of section 13, the record of the survey shall be conclusive proof that

the boundaries determined and recorded therein have been correctly determined and recorded.

Institution of a suit in civil court within three years to establish rights claimed in respect of the boundary of the property surveyed.

13. Any person aggrieved by the determination of any boundary under section 8, 9 or 10 may, subject to the provisions of Part II and III of the Mysore Limitation Act, 1911, institute a suit within three years from the date of the notification under section 12, to set aside or modify the said determination and the survey shall, if necessary, be altered in accordance with the final decree in the suit and the alteration, if any, shall be noted in the record.

The plaintiff in such suit shall join as parties to it, all persons whom he has reason to believe to be interested in the boundary which is the subject of the suit.

Registered holder responsible for the maintenance of survey marks.

14. (1) Subject to such conditions as may be prescribed in this behalf, every registered holder of a land shall be bound to maintain, renew, and repair the survey marks on or within the boundaries of his holding, and in default of his doing so, the Survey Officer may, at the cost of the State Government, maintain, renew and repair such survey marks, determine and apportion the cost of so doing and recover such cost as an arrear of land revenue. Such cost may include the cost of all operations incidental to such renewal or repair but not any charges on account of Survey Officers and supervising establishment.

Notice to registered holder.

(2) Before a Survey Officer maintains, renews or repairs any survey marks, he shall serve a notice in writing on the registered holder in the prescribed manner, giving particulars of the survey marks, in respect of which default has been committed and calling upon him to maintain, renew or repair the same within the time to be specified in such notice which shall be not less than fifteen days from the date of service thereof.

Notice to cultivator or other person interested.

(3) If the notice under sub-section (2) cannot be served personally on the registered holder, a copy of the same shall be served also on the tenant or other person interested, in the land.

Duties of municipal authority.

15. It shall be the duty of every municipal authority—

(*a*) to prevent the destruction, injury, removal or alteration of any survey mark on or within the limits of its jurisdiction; and

(*b*) when such municipal authority becomes aware that any such mark has been destroyed, injured, removed or altered, to report the fact to the prescribed officer.

Power to enter upon, examine and clear obstructions on land.

16. For the purpose of any survey, inquiry or other proceedings under this Act, the Survey Officer or any of the subordinates of such officer shall have power to enter upon, examine and measure any land under survey and to clear by cutting down or removing any trees, fences, standing crops or other material obstructions, the boundaries or other lines, the clearance of which may be necessary for the purposes of the survey.

Power to summon witnesses and require production of documents.

17. Any Survey Officer, generally or specially authorised in that behalf, or any officer to whom an appeal is preferred under any of the provisions of this Act may, for the purpose of rendering assistance in the survey of any land, summon and enforce, the attendance of any person who has an interest therein, and may, for the purposes of any survey, inquiry or other proceedings under this Act, summon and enforce the attendance of any person for giving evidence and for the production of documents and the procedure prescribed in the Code of Civil Procedure, 1911, for summoning and enforcing the attendance of witnesses and for the recording of evidence, shall be followed, as far as it can be made applicable.

Reference to arbitration.

18. (1) The Survey Officer may, with the consent of all the parties concerned, refer to arbitration any dispute as to a boundary.

(2) The decision of the Survey Officer passed in accordance with the award of the arbitrator, shall be conclusive between the parties to such arbitration and those claiming under them.

Registered holder may recover expenses paid by him from the owner of the land and may acquire a charge upon the land to that extent.

19. (1) In the absence of a contract to the contrary, a registered holder of any land under survey, who incurs any expenses or from whom any expenses are recovered under this Act, in respect of such survey, shall, if he is not the owner thereof, acquire a charge on such land to the extent of the expenses so incurred or recovered from him with interest thereon, at the rate of nine per cent per annum.

Person claiming an interest may pay charges payable by registered holder and acquire a charge.

(2) It shall be lawful for any person, claiming an interest in any land under survey, to pay the charges payable under this Act in respect of the survey of such land, though he is not the registered holder thereof; and all such sums, if paid by a tenant or lessee, may be deducted from any rent then or afterwards due by him, in respect of such land and if paid by any other person, interested, or *bona fide* claiming an interest in the land, shall be a charge upon such land. Such sum shall bear interest at nine per cent per annum.

(3) When a person entitled under this section to a charge on any land is a co-owner of such land, such charge shall extend only to so much of the amount recovered from or expended or paid by him, as is due, in respect of the share of the other co-owner, in such land with interest at the rate aforesaid.

State Government may make rules under the Act.

20. (1) The State Government may, after previous publication, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) prescribe for different localities, the unit of survey, the sub-divisions thereof and the description of the survey marks; and provide for the maintenance, renewal and repair of such marks;

(*b*) provide for the collection and record of any information in respect of any land which has been or is about to be surveyed;

(*c*) define the class of officers to be appointed to do duty under this Act and the powers to be exercised by such officers;

(*d*) prescribe and regulate the procedure to be followed by those officers in conduct of proceedings under this Act;

(*e*) provide for the publication of all notifications issued under this Act and for the form, issue and service of all orders, communications and notices to be issued, communicated, given or served under this Act;

(*f*) regulate the furnishing of survey marks, labour and other matters necessary for a survey, notified under this Act, and the recovery of charges incidental thereto, when they are recoverable;

(*g*) provide for the apportionment of all charges directed to be apportioned by this Act and for the determination of the cost of labour employed and of the survey marks used in any such survey ;

(*h*) prescribe the fee payable for processes issued and copies granted under this Act ;

(*i*) prescribe the manner in which arbitrators are to be appointed and regulate the procedure to be followed by them.

21. No suit or other legal proceedings shall lie against any person for anything in good faith done or purporting to be done under this Act.

Immunity for acts done in good faith or purporting to be so done.

MYSORE ACT No. X OF 1951.

THE MYSORE APPROPRIATION No. 2 ACT, 1951.

(Received the assent of His Highness the Maharaja on the 31st day of March 1951.)

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-one.

Preamble.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-one;

It is hereby enacted as follows :—

Short title.

1. This Act may be called the Mysore Appropriation No. 2. Act, 1951.

Issue of Rupees 7,64,000 out of the Consolidated Fund of the State for the year 1950-51.

2. From and out of the Consolidated Fund of the State there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of seven lakhs sixty-four thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, one thousand nine hundred and fifty-one in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, one thousand nine hundred and fifty-one.

SCHEDULE.

[*See* sections 2 and 3]

1	2	3
No. of vote	Services and purposes	Sums not exceeding Voted by the Legislative Assembly
	A. Expenditure met from Revenue.	Rs.
1	1. Land Revenue	4,97,000
7	12. General Administration	17,000
32	II Forest—1. Sandal Oil—Operation Expenses	2,50,000
	Total ...	7,64,000

MYSORE ACT No. XI OF 1951.

THE MYSORE APPROPRIATION No. 3 ACT, 1951.

(Received the assent of His Highness the Maharaja on the 31st day of March 1951.)

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two.

Preamble.

WHEREAS it is expedient to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two :

It is hereby enacted as follows :—

Short title.

1. This Act may be called the Mysore Appropriation No. 3 Act, 1951.

Issue of Rupees 29,43,22,700 out of the Consolidated Fund of the State for the year 1951-52.

2. From and out of the Consolidated Fund of the State, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of two thousand nine hundred and forty-three lakhs, twenty-two thousand and seven hundred rupees towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two.

SCHEDULE.

(*See* sections 2 and 3)

1	2		3		
			Sums not exceeding		
No. of vote		Services and purposes	Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
		A. EXPENDITURE MET FROM REVENUE.	Rs.	Rs.	Rs.
1	7	Land Revenue	25,21,000	...	25,21,000
2	8	State Excise Duties	16,90,000	...	16,90,000
3	9	Stamps	1,89,000	...	1,89,000
4	10	Forest	37,66,000	...	37,66,000
5	11	Registration	4,29,000	...	4,29,000
6	12	Charges on account of Motor Vehicles Acts ...	6,56,000	...	6,56,000
7	13	Other Taxes and Duties	4,28,000	...	4,28,000
8	18	Other Revenue Expenditure financed from Ordinary Revenue.	8,01,000	...	48,01,000
9	19	Construction of Irrigation, Navigation, Embankment and Drainage Works	30,75,000	...	30,75,000
10	22	Interest on Debt and other obligations ...			
	17	Interest on works for which capital accounts are kept ...	34,20,000	47,91,000	82,11,000
	52	Interest on capital outlay on Electricity Schemes			
	23	Appropriation for Reduction or avoidance of Debt ...	...	20,00,000	20,00,000
11	25	General Administration (except B. C. and F.) ...	25,43,000	3,87,600	29,30,600
12	25	Do (B. Parliament and the State Legislature and C. Elections for Legislature).	10,15,600	16,800	10,32,400
13	25	General Administration (F. District Administration) ...	31,20,000	...	31,20,000
14	27	Administration of Justice	20,95,600	2,67,400	23,63,000
15	28	Jails	6,84,000	...	6,84,000
16	29	Police	91,75,000	...	91,75,000
17	36	Scientific Departments	2,82,000	...	2,82,000
18	37	Education	3,08,96,000	...	3,08,96,000
19	38	Medical	92,24,000	...	92,24,000
20	39	Public Health	42,68,000	...	42,68,000
21	40	Agriculture (except Horticulture)	60,24,700	...	60,24,700
22	40 (h)	Botanical and Other Public Gardens	8,05,300	...	8,05,300
23	40A.	Rural Department	54,69,000	...	54,69,000
24	41	Veterinary charges	23,47,000	...	23,47,000
25	42	Co-operation	5,24,000	...	5,24,000
26	43	Industries and Supplies except Sericulture	35,73,600	...	35,73,600

1	2	3		
		Sums not exceeding		
No. of vote	Services and purposes	Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs
27	43 a-4. Sericulture	10,35,400	...	10,35,400
28	47 Miscellaneous Departments	12,81,000	...	12,81,000
29	50 Civil Works	2,02,50,500	...	2,02,50,500
30	54A. Territorial and Political Pensions	2,85,000	...	2,85,000
31	55 Superannuation Allowances and Pensions ...	37,04,000	1,00,000	38,04,000
32	Stationery and Printing	14,25,000	...	14,25,000
33	57 Miscellaneous	13,07,000	...	13,07,000
34	63 Extraordinary charges	19,50,000	...	19,50,000
35	X. Forest—3. (i) Wood Preservation Plant—Working Expenses and Seigniorage	3,00,000	...	3,00,000
36	XVII. I.N.E. and D. Works for which capital accounts are kept—Working Expenses	24,66,300	...	24,66,300
37	XXXII. Industries and Supplies—(a) Industries-Working Expenses	4,65,65,100	...	4,65,65,100
38	XLI. Receipts from Electricity Scheme—Working Expenses	87,72,300	...	87,72,300
39	XLVI-A. Receipts from Road Transport Schemes—Working Expenses	34,59,000	...	34,59,000
40	Capital outlay not met from Revenue— 68 Construction of I.N.E. and D. Works outside the Revenue Account	96,03,000	...	96,03,000
41	70 Capital outlay on Improvement of Public Health ...	8,15,000	...	8,15,000
42	72 Capital outlay on Industrial Development	2,35,92,000	...	2,35,92,000
43	81-A. Capital outlay on Electricity Schemes	4,16,33,000	...	4,16,33,000
44	82-B. Capital outlay on Road Transport Schemes ...	7,50,000	...	7,50,000
45	85-A. Capital outlay on Provincial Schemes of State Trading	20,00,000	...	20,00,000
46	Loans and Advances by the State Government ...	1,25,44,500	...	1,25,44,500
	Total ...	28,67,59,900	75,62,800	29,43,22,700

THE MYSORE MOTOR VEHICLES TAXATION AND TOLLS ACT, 1951.

Arrangement of sections.

CHAPTER I.

PRELIMINARY.

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II.

TAXATION.

3. Levy of taxes on motor vehicles.
4. Payment of tax and issue of licence.
5. Carriage of tax licence on vehicle.
6. Penalty for failure to pay tax.
7. Recovery of tax as an arrear of land revenue.
8. Exemption from or reduction of tax.

CHAPTER III.

TOLLS.

9. Power to cause levy of tolls on roads and bridges and to appoint collectors.
10. Establishment of toll bars.
11. Recovery of toll.
12. Evasion of payment of toll.
13. Penalty.
14. Penalty for fraudulently passing a toll bar.
15. Composition of tolls.
16. Composition of tolls in respect of a single toll bar.
17. Exemption from or reduction of toll.

CHAPTER IV.

MISCELLANEOUS.

18. Crediting of the proceeds of taxes and tolls.
19. Utilisation of the proceeds of taxes and tolls.
20. Savings as to vehicles used for agricultural purposes.
21. Municipalities not to levy taxes or tolls on motor vehicles.
22. Payment to District Boards and Municipalities for loss of tolls and vehicles tax.
23. Jurisdiction of courts.
24. Officers to be deemed public servants.
25. Protection of action taken in good faith.
26. Power of Government to make rules.
27. Penalty for offences for which no other penalty is provided for.
28. Repeal and savings.

(Chapter I—Preliminary)

MYSORE ACT No. XII OF 1951.

THE MYSORE MOTOR VEHICLES TAXATION AND TOLLS ACT, 1951.

(AS AMENDED BY ACT 3 OF 1953.)

(Received the assent of His Highness the Maharaja on the 31st day of March 1951.)

An Act to consolidate and amend the law relating to the levy of taxes on motor vehicles and tolls in [1][the State of Mysore except Bellary District.]

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the levy of taxes on motor vehicles and tolls in [1][the State of Mysore except Bellary District ;]

It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Motor Vehicles Taxation and Tolls Act, 1951.

(2) It extends to the [1][whole of the State of Mysore except Bellary District.]

(3) It shall come into force on the 1st day of April, 1951.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) " Motor Vehicles Act, 1939 " means the Motor Vehicles Act, 1939, (Central Act IV of 1939);

(2) The following expressions shall have the meanings assigned to them respectively in the Motor Vehicles Act, 1939,—

(*a*) " contract carriage,"
(*b*) " goods,"
(*c*) " goods vehicles,"

1. See the Mysore Adaptation of Laws Order, 1958.

(*d*) "invalid carriage,"
(*e*) "motor cab,"
(*f*) "motor cycle,"
(*g*) "motor vehicles,"
(*h*) "stage carriage,"
(*i*) "trailer,"
(*j*) "unladen weight,"

(3) "Government" means the State Government;

(4) "laden weight" in relation to—

(*a*) a motor vehicle means, in case a permit is issued to the vehicle under the Motor Vehicles Act, 1939, the maximum laden weight specified in such permit; if no such permit is issued, the maximum laden weight specified in the registration certificate of the vehicle, and, if such weight is not specified in such certificate, the maximum laden weight of the vehicle determined in such manner as the licensing officer may deem fit;

(*b*) a trailer means, in case a permit is issued under the Motor Vehicles Act, 1939, to a vehicle to which the trailer is attached the maximum laden weight prescribed in such permit in respect of the trailer; if, no such permit is issued, the maximum laden weight specified in respect of the trailer in the registration certificate of the vehicle to which the trailer is attached, and, if such weight is not specified in such certificate, the maximum laden weight of the trailer determined in such manner as the licensing officer may deem fit;

(5) "licensing officer" means an officer appointed by the Government to exercise the powers and perform the functions of a licensing officer under this Act;

(6) "local authority" means the Corporation of the City of Bangalore, a City Municipal Council or such Town Municipal Council or Sanitary Board or Town Board as the Government may specify by notification;

(7) "notification" means a notification published in the *Mysore Gazette*;

(8) "prescribed" means prescribed by rules made under this Act;

(9) "public road" means any street, road, square, court, alley, passage, or riding path over which the public have a right of way, whether a thoroughfare or not, and includes the roadway over any public bridge or causeway;

(10) "registered owner" means a person in whose name a motor vehicle or trailer is registered under the Motor Vehicles Act, 1939;

(11) "schedule" means a schedule to this Act;

(12) "side car" means a wheeled carrier attached to a motor vehicle which rests on not more than two wheels;

(13) "tax" means a tax levied under this Act;

(14) "tax licence" means the document issued by a licensing officer in respect of any motor vehicle indicating that taxes leviable on that vehicle under this Act have been paid;

(15) "year" means the financial year; "half-year" means the first six months or the second six months of such year; and "quarter" means the first three months or the second three months of the half-year.

CHAPTER II.

TAXATION.

Levy of taxes on motor vehicles.

3. The Government may, by notification, from time to time, direct the levy of all or any of the following taxes on motor vehicles used, or kept for use, in the State at rates not exceeding those prescribed in the First Schedule and subject to the privileges, conditions, exemptions and limitations specified therein, that is to say,—

(*a*) a vehicle tax on motor cycles, invalid carriages, motor cars and goods vehicles used solely for purposes of agriculture;

(*b*) a road tax on goods vehicles;

(*c*) a service tax on public service vehicles used for carrying passengers; and

(*d*) a mileage cess on stage and contract carriages excluding motor cabs.

(Chapter II—Taxation)

Payment of tax and issue of licence.

4. (1) After the issue of a notification under section 3, no motor vehicle shall be used on any public road in the State, unless the registered owner, or the person having possession or control of such vehicle has obtained a tax licence under sub-section (7) in respect of the vehicle.

(2) The vehicle tax levied under section 3 shall be payable for the year and in advance by the registered owner, or the person having possession or control, of the motor vehicle :

Provided that the Government may, by notification, allow payment of the tax for half-yearly periods at the rate of half the tax payable for the year.

(3) Taxes other than the vehicle tax shall be payable for the quarter and in advance. The taxes due for two or more consecutive quarters of the same year may be paid in advance.

(4) Notwithstanding anything contained in section 3 and sub-sections (2) and (3) of this section, the Government may, by notification from time to time, direct the levy of taxes, at rates not exceeding those specified in Part E of the First Schedule, on motor vehicles belonging to, or in the possession and control, of persons, not ordinarily residing in the State and used or kept for use in [1][the State of Mysore except Bellary District] by such persons for periods shorter than the half-year or the quarter, as the case may be, but not exceeding thirty days at a time. The levy of the taxes shall be subject to such conditions as may be specified by the Government in the said notification.

(5) Where a tax on any motor vehicle has been paid for any period and the vehicle has not been used during the whole of that period, or a continuous part thereof, not being less than one calendar month, a refund of the tax at such rates as may, from time to time, be specified by notification by the Government, shall be payable, subject to such conditions as may be specified in the said notification.

(6) Notwithstanding anything contained in sub-section (1), no person shall be liable to tax during any period on any taxable motor vehicle, if the tax due on such vehicle

1. See the Mysore Adaptation of Laws Order, 1958.

for the same period has already been paid by some other person.

(7) When any person pays the amount of tax due on any taxable motor vehicle in the State, or proves to the satisfaction of the licensing officer that no tax is payable on any motor vehicle, the licensing officer shall—

(i) grant to such person a tax licence, in such form as may be prescribed, to use the vehicle on public roads in the State for the period or periods concerned ;

(ii) record that the tax has been paid for a specified period or periods, or that no tax is payable on the vehicle, as the case may be, in the certificate of registration granted, or renewed, in respect of the vehicle under the Motor Vehicles Act, 1939, or, in the case of vehicles not registered under the said Act, in a certificate in such form as may be prescribed :

Provided that the Government may exempt from the provisions of this sub-section any person who has been exempted from the payment of the tax on any motor vehicle and prescribe the manner in which such exemption from payment of the tax is to be indicated.

Carriage of tax licence on vehicle.

5. (1) The tax licence granted in respect of a motor vehicle under sub-section (7) of section 4, shall be exhibited upon the vehicle in such manner as may be prescribed, and if such a licence is not so exhibited, the registered owner, or the person having possession or control, of such vehicle shall, on conviction, be punishable with fine which may extend to fifty rupees.

(2) The person in charge of any motor vehicle on any public road shall cause the vehicle to stop and to remain stationary so long as may reasonably be necessary, when required to do so by any police officer in uniform, not below the rank of Sub-Inspector, or, who, being below such rank, is empowered in this behalf by the Inspector-General of Police, Deputy Inspector-General of Police or the District Magistrate, for the purpose of satisfying himself that a tax licence has been obtained in respect of such vehicle for the period then current.

(3) Any person failing to stop a motor vehicle when required to do so by a police officer or any other officer empowered under sub-section (2), shall, on conviction, be punishable with fine which may extend to fifty rupees.

Penalty for failure to pay tax.

6. If a tax due on any motor vehicle has not been paid, the registered owner, or the person having possession or control, of such vehicle shall, on conviction, be punishable with fine which may extend to fifty rupees; and the amount of the tax due by him on such vehicle shall also be recovered as if it were a fine.

Recovery of tax as an arrear of land revenue.

7. Any tax under this Act may also be recovered in the same manner as an arrear of land revenue. The motor vehicle on the tax is due or its accessories may be distrained or sold, whether such vehicle or accessories be, or be not in the possession or control of the person liable to pay the tax.

Exemption from or reduction of tax.

8. The Government may, by notification, exempt or reduce the rate of a tax payable—

(i) by any person or class of persons, or

(ii) in respect of any motor vehicle or class of motor vehicles.

CHAPTER III.

TOLLS.

Power to cause levy of tolls on roads and bridges and to appoint collectors.

9. Subject to the rules made by the Government in this behalf, the Government may cause such rates of tolls, not exceeding those specified in the Second Schedule, to be levied on any public road or bridge in the State, which has been, or shall hereafter be, constructed or repaired at the expense of the Government, or any District Board constituted under the Mysore District Boards Act, 1926,[1] and may place the collection of such tolls under the management of any person and all persons employed in the management and collection of such tolls shall be liable to the same responsibility as would attach to them if employed in the collection of the land revenue.

1. Repealed and re-enacted as Mysore Act IV of 1952.

(*Chapter III—Tolls*)

Establishment of toll bars.

10. The Government may, from time to time, by notification declare the roads on which and the places where tolls shall be levied, and may abolish the collection of tolls on roads on which such tolls have been declared leviable, and may authorise the erection or removal of any toll bar for the purpose of carrying out the provisions of this section :

Provided that when it is proposed to establish a new toll bar on a road maintained by a District Board, or to abolish an existing toll bar on such a road, such District Board shall be consulted before a decision is reached.

Recovery of toll.

11. (1) In case of non-payment of any toll on demand, the person appointed or duly authorised to collect the same, may seize any of the vehicles or animals on which it is chargeable or any part of their burden of sufficient value to defray the toll.

(2) If any such toll remains unpaid for twenty-four hours after the property has been seized under sub-section (1), the said property shall, after twenty-four hours' notice, exclusive of Sunday or any public holiday, be sold by order of the officer authorised to superintend the collection of the said toll, by public auction in payment of the toll, and all expenses occasioned by such non-payment, seizure and sale, and any balance that may remain shall be returned, on demand, to the owner of the property :

Provided that, if at any time before the sale has actually begun, the person, whose property has been seized, tenders the amount of all the expenses incurred, and double the toll payable by him, the said officer shall forthwith release the property seized.

(3) Any amount due on account of toll may also be recovered as an arrear of land revenue.

Evasion of payment of toll.

12. No person shall, with intent to evade payment of toll, cause a vehicle or animal to leave a road on which a toll bar has been placed and pass over any land within a quarter of a mile therefrom, such land not being either a public road or land of which such person is the owner or occupier.

13. Every person who—

Penalty.

(*a*) not being a person appointed or authorised to collect tolls under this Act, levies or demands any toll on any public road or bridge or for passing through any bazaar situated on such road ; or

(*b*) unlawfully demands or takes any other or higher toll than the lawful toll ; or

(*c*) under colour of this Act, seizes or sells any property knowing such seizure or sale to be unlawful, or in any manner unlawfully extorts money or any valuable thing from any person,

shall, on conviction before a magistrate, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees. Any part of such fine may be awarded by the magistrate to the person aggrieved.

Penalty for fraudulently passing a toll bar.

14. Any person who fraudulently or forcibly passes any toll bar, without paying the proper toll, or who obstructs the person appointed or duly authorised to collect the toll, in the discharge of his duties, shall, on conviction, be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to fifty rupees.

Composition of tolls.

15. (1) Subject to such conditions as may be prescribed, any person may, in respect of a motor cycle, an invalid carriage, motor car or motor cab belonging to him, pay in lieu of all tolls, other than those levied at toll bars established on any road or bridge specified in the Fourth Schedule or a road or bridge constructed after the 1st of January, 1936, for the recovery of the amount expended upon such road or bridge, a quarterly composition fee at rates not exceeding the maxima specified in Part A of the Third Schedule. The payment of such composition fee shall exempt such vehicle from tolls levied by any municipal council.

(2) The composition fee payable under sub-section (1) shall be paid for the quarter and in advance.

(3) Any such person may pay in advance the composition fee payable under sub-section (1) for two or more

consecutive quarters in the same year. When the fee is so paid, such rebate shall be allowed as may, from time to time, be specified by notification by the Government.

Composition of tolls in respect of a single toll bar.

16. Subject to such conditions as may be prescribed, any person may, in respect of any motor cycle, or invalid carriage, or a motor car not exceeding thirty hundredweights in weight, unladen, and constructed or adapted for the carriage of not more than seven persons including the driver, or stage carriage, or a cart drawn by a single bullock or bullocks, pay in lieu of all tolls payable at any one toll bar established under this Act, other than a frontier toll bar, an annual composition fee at rates not exceeding the maxima specified in Part B of the Third Schedule :

Provided that such composition under this section shall not—

(i) be allowed in respect of more than one toll bar for any such motor cycle, invalid carriage, motor car, stage carriage or cart ; and

(ii) exempt such cart from tolls when laden with timber.

Exemption from or reduction of toll.

17. The Government may, by notification, exempt, or reduce the rate of toll payable—

(i) by any person or class of persons, and

(ii) in respect of any vehicle or animal or classes of vehicles or animals.

CHAPTER IV.

MISCELLANEOUS.

Crediting of the proceeds of taxes and tolls.

18. All taxes and tolls collected under this Act and the Mysore Highway Act, 1920, shall be credited to such Head in the State Accounts as the Government may by order specify.

Utilisation of the proceeds of taxes and tolls.

19. (1) The Head of State Accounts specified under section 18, shall be debited under the order of the Government with the following charges, that is to say,—

(i) such amount as the Government may, from time to time, determine on account of the expenses incurred in

giving effect to the provisions of this Act and of the Mysore Highway Act, 1920;

(ii) payments made to local authorities under section 23; and

(iii) allotments made at the discretion of the Government for such other purposes as may be consistent with, or necessary for, the more efficient administration of this Act and the Mysore Highway Act, 1920.

(2) After meeting the charges under sub-section (1) the balance of the money in the Head of State Account specified under section 18, shall be used for the construction and maintenance of roads and bridges.

Savings as to vehicles used for agricultural purposes.

20. No tax under this Act other than the vehicle tax shall be levied on any motor vehicle used solely for the purposes of agriculture.

Explanation.—A motor vehicle used for transporting agricultural produce along a public road shall not, for the purpose of this section, be deemed to be used solely for the purposes of agriculture.

Municipalities not to levy taxes or tolls on motor vehicles.

21. Notwithstanding anything contained in the City of Bangalore Municipal Corporation Act, 1949, the Mysore City Municipalities Act, 1933, the Mysore Town Municipalities Act, 1933[1], and the Mysore Minor Municipalities Act, 1933[1], the Corporation of the City of Bangalore or any Municipal Council shall not levy a tax on motor vehicles, or a toll on such motor vehicles as are exempted from payment of municipal tolls under this Act.

Payment to District Boards and Municipalities for loss of tolls and vehicles tax.

22. (1) From the proceeds of the taxes and the tolls collected under this Act, the Government shall pay annually to each District Board, which prior to 1st January, 1936, was levying tolls, and to each Municipal Council which prior to 1st January, 1936, was levying a vehicle tax on motor vehicles, a sum determined by the Government, after consulting the District Board or the Municipal Council concerned, as representing the average annual income of each District Board from tolls and of each Municipal Council from vehicle tax on motor vehicles

1. Repealed and re-enacted as Mysore Act XXII of 1951.

during the three years ending with the 30th day of June, 1935, after deducting therefrom such expenses of collection as may be determined by the Government.

(2) The Government may prescribe the conditions that should be taken into consideration in determining the amounts payable to a local authority under sub-section (1).

(3) Once in every three years, the Government may, after consulting the District Board or the Municipal Council concerned, prescribe the manner in which and the periods for which the amount payable thereafter to such District Board or Municipal Council shall be paid.

(4) The amount recovered in respect of the composition of tolls under section 15, the proceeds of the service tax under clause (*c*) of section 3 on all public service motor vehicles plying or used solely within the jurisdiction of a Municipal Council and the proceeds of the mileage cess under clause (*d*) of section 3 shall be apportioned between the respective local authorities and the Government in such manner as may be determined by orders made by the Government.

Explanation.—In this section the expression "Municipal Council" includes the Corporation of the City of Bangalore.

Jurisdiction of courts.

23. No court inferior to that of a Second Class Magistrate shall try any offence punishable under this Act.

Officers to be deemed public servants.

24. Every officer appointed by the Government for carrying out the provisions of this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Protection of action taken in good faith.

25. No suit, prosecution, or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act.

Power of Government to make rules.

26. (1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act.

(2) Any rule made under sub-section (1) may provide that a breach thereof shall, on conviction, be punishable with fine which may extend to fifty rupees.

(*Chapter IV—Miscellaneous*)

Penalty for offences for which no other penalty is provided for.

27. Whoever contravenes any of the provisions of this Act, if no other penalty is elsewhere provided in this Act for such contravention, shall, on conviction, be punishable with fine which may extend to one hundred rupees.

Repeal and savings.

28. The Mysore Motor Vehicles and Road Traffic Act, 1944, (Mysore Act XXVII of 1944) in so far as it relates to the taxation of motor vehicles and tolls is hereby repealed :

Provided that—

(*a*) the said repeal shall not affect the validity of anything done or the liability of any person to pay any sum due from him under the aforesaid Act or rules or orders thereunder ;

(*b*) any appointment, notification, notice, order, licence, permission, rule, form, tax or toll, made, issued, given or levied, and toll bars established and any legal proceedings instituted under the aforesaid Act or rules or orders thereunder, shall continue in force and be deemed to have been respectively made, issued, given or levied and instituted under this Act until superseded by or under the provisions of this Act.

(The First Schedule)

[1]THE FIRST SCHEDULE.

PART A.

THE VEHICLE TAX.

(Section 3.)

Class of Vehicles	Annual Tax	
	Vehicles fitted with pneumatic tyres	Other vehicles
	Rs. a. p.	Rs. a. p.
1. Motor cycles (including motor scooters and cycles with attachment for propelling the same by mechanical power) not exceeding 8 cwt. in weight, unladen—		
(*a*) Bicycles below 3½ horse power if not used for drawing a trailer or side car.	36 0 0	48 0 0
(*b*) Bicycles below 3½ horse power if used for drawing a trailer or side car and bicycles of and above 3½ horse power whether used for drawing a trailer or side car or not	48 0 0	60 0 0
(*c*) Tricycles	48 0 0	60 0 0
2. Invalid carriages	25 0 0	30 0 0
3. Motor cars—		
(*a*) weighing not more than 15 cwt., unladen.	84 0 0	120 0 0
(*b*) weighing more than 15 cwt. but not more than 30 cwt., unladen.	120 0 0	180 0 0
(*c*) weighing more than 30 cwt., but not more than 45 cwt., unladen.	156 0 0	240 0 0
(*d*) weighing more than 45 cwt., but not more than 60 cwt., unladen.	192 0 0	288 0 0
(*e*) weighing more than 60 cwt., unladen.	240 0 0	360 0 0

1. Substituted by Act 3 of 1953.

(The First Schedule)

Class of Vehicles	Annual Tax	
	Vehicles fitted with pneumatic tyres	Other vehicles
	Rs. a. p.	Rs. a. p.
(*f*) Additional tax payable in respect of such vehicles used for drawing trailers—		
(i) for each trailer not exceeding one ton in weight, unladen.	48 0 0	72 0 0
(ii) for each trailer exceeding one ton in weight, unladen :	96 0 0	144 0 0
Provided that two or more vehicles shall not be chargeable under this clause in respect of the same trailer.		
4. Goods vehicles used solely for purposes of agriculture.	140 0 0	200 0 0
Privileges and exemptions— The vehicles shall be exempt from all Municipal tolls.		

(The First Schedule)

PART B.

THE ROAD-TAX.

(Section 3.)

Class of vehicles	Quarterly tax	
	Vehicles fitted with pneumatic tyres on all wheels.	Other vehicles
	Rs. a. p.	Rs. a. p.
1. Goods vehicles without trailers :—		
(*a*) Dot motor cycle trucks not exceeding 650 lb. in weight, laden.	33 0 0	43 0 0
(*b*) Vehicles not exceeding 20 cwt. in weight, laden.	67 0 0	100 0 0
(*c*) Vehicles exceeding 20 cwt., but not exceeding 30 cwt. in weight, laden.	133 0 0	200 0 0
(*d*) Vehicles exceeding 30 cwt., but not exceeding 45 cwt. in weight, laden.	160 0 0	240 0 0
(*e*) Vehicles exceeding 45 cwt., but not exceeding 60 cwt. in weight, laden.	200 0 0	300 0 0
(*f*) Vehicles exceeding 60 cwt., but not exceeding 85 cwt. in weight laden.	240 0 0	360 0 0
(*g*) Vehicles exceeding 85 cwt, but not exceeding 110 cwt. in weight, laden.	293 0 0	440 0 0
(*h*) Vehicles exceeding 110 cwt., but not exceeding 150 cwts. in weight, laden.	360 0 0	540 0 0
(*i*) Vehicles exceeding 150 cwt., but not exceeding 180 cwt. in weight, laden.	427 0 0	640 0 0
(*j*) Vehicles exceeding 180 cwt. in weight, laden.	467 0 0	700 0 0
2. Additional tax payable in respect of Goods Vehicles specified in paragragh 1 used for drawing trailers—		
(i) for each trailer not exceeding 20 cwt. in weight, laden.	27 0 0	40 0 0
(ii) for each trailer exceeding 20 cwt., but not exceeding 60 cwt. in weight, laden.	100 0 0	150 0 0
(iii) for each trailer exceeding 60 cwt. in weight, laden :	200 0 0	300 0 0
Provided that two or more goods vehicles shall not be chargeable under this clause in respect of the same trailer.		

(The First Schedule)

3. Goods vehicles used for the carriage or haulage of goods and passengers.	(*a*) A tax as on a goods vehicle under items 1 and 2 above, having a weight which bears to the laden weight of the vehicle the same proportion as the floor area set apart for the carriage of goods, bears to the total floor area of the vehicle, together with, (*b*) a service tax calculated at the rate specified in Part C of this Schedule for every passenger which the vehicle is licensed to carry, and (*c*) a mileage cess as on stage carriages under Part D of this Schedule.

Explanation.—The expression "Goods" in Paragraph 3 above does not include light personal effects of passengers.

Provisos.—

1. (*a*) Goods vehicles shall be exempt from tolls other than those levied by a municipal council in the area in which they have the permit.

(*b*) While working outside the said area on special permits, they shall be liable to both Government and municipal tolls.

(*c*) Such vehicle shall be exempt from all municipal tolls either of the municipal council within the limits of which the owner resides, or of that in the limits of which he carries on the business in respect of which the vehicle is used, at his option which shall be exercised at the time of the payment of the tax.

Such vehicle when kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, such vehicle shall be exempt from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year.

2. Goods vehicles shall be exempt from tolls other than those levied by a municipal council in the area in which they have the permit, provided that, on roads which the Government may, by notification, declare as competing with the Railways in respect of traffic, they may be subjected to the payment of tolls.

3. The provisos to Parts C and D of this Schedule shall also be applicable to the cases of vehicles under Paragraph 3.

4. In provisos (1) and (2) the expressions "municipal council" and "municipality" include respectively the Municipal Corporation of the City of Bangalore and the area within the jurisdiction of the said Corporation.

(*The First Schedule*)

PART C.

SERVICE TAX.

(*Section 3.*)

Class of vehicles	Quarterly tax					
	Vehicles fitted with pneumatic tyres on all wheels			Other vehicles		
	Rs.	a.	p.	Rs.	a.	p.
1. Motor cabs and other contract carriages—						
(a) licensed to carry in all not more than three persons.	30	0	0	45	0	0
(b) licensed to carry four persons ...	60	0	0	90	0	0
(c) licensed to carry more than four persons, for every person whom the vehicle is so licensed to carry.	15	0	0	22	8	0
2. (i) Stage carriages plying on routes within the limits of the City of Bangalore, Mysore City Municipality, Kolar Gold Fields Sanitary Board and Shimoga Town Municipality—						
(a) for every seated passenger (other than the driver and conductor) which the vehicle is permitted to carry.	20	0	0	35	0	0
(b) for every passenger (other than a seated passenger, the driver and the conductor) which the vehicle is permitted to carry.	5	8	0	8	0	0
(ii) Stage carriages plying on routes other than those mentioned in (i) above—						
(a) for every seated passenger (other than the driver and the conductor) which the vehicle is permitted to carry.	12	0	0	30	0	0

(*The First Schedule*)

Class of vehicles	Quarterly tax	
	Vehicles fitted with pneumatic tyres on all wheels	Other vehicles
	Rs. a. p.	Rs. a. p.
(b) for every passenger (other than a seated passenger, the driver and the conductor) which the vehicle is permitted to carry.	5 0 0	7 8 0

Provisos—

1. Motor cabs, other contract carriages and stage carriages paying service tax shall be exempt from Municipal tolls either of the Municipal Council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option, which shall be exercised at the time of the payment of the tax.

A motor cab, other contract carriage or stage carriage when kept outside the limits of any Municipality shall be exempt from the tolls of the Municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such Municipality is within a radius of five miles from such place. If the place is equidistant from two Municipalities, such vehicle shall be exempt from tolls at the Municipality elected and declared by the owner at the time of payment of the tax, provided that the declaration made shall not be subject to variation during the year.

2. In proviso 1 above the expressions " Municipal Council " and " Municipality " include respectively the Municipal Corporation of the City of Bangalore and the area within the jurisdiction of the said Corporation.

(The First Schedule)

PART D.

MILEAGE CESS.

(Section 3.)

Class of vehicles.	*Rate of Tax.*
1. Stage carriages—	
(*a*) when plying on State Fund Roads— cement-concreted or tarred —on ordinary permits as part of regular service.	One anna per mile.
(*b*) when plying on State Fund Roads other than cement-concreted or tarred roads, on ordinary permits as part of regular service.	Eight pies per mile.
(*c*) when plying on roads other than those specified in (*a*) and (*b*) above on ordinary permits as part of regular service.	Seven pies per mile
(*d*) when plying on any of the roads specified in (*a*), (*b*) and (*c*) above on special permits.	One and a half times the rates fixed in (*a*), (*b*) and (*c*) above, as the case may be.
2. Contract carriages—	
With seating capacity for more than six persons.	Same rates as specified in items (*a*), (*b*), (*c*) and (*d*) of paragraph 1.

Provisos—

1. Stage and contract carriages paying the mileage cess are exempt from all tolls levied either by the Government or a municipal council or the Corporation of the City of Bangalore, except those levied at toll bars established on any road or bridge specified in the Fourth Schedule or a road or bridge constructed after the 1st of January 1936, for the recovery of the amount expended on such road or bridge.

2. Stage carriages plying solely within the limits of the Corporation of the City of Bangalore, or the Kolar Gold Fields Sanitary Board or within the municipal area of Shimoga Town, or of the Mysore City Municipality are exempt from payment of the mileage cess.

(The First Schedule)

PART E.

VEHICLE TAX.

[*Sections 3 and 4—sub-section (4)*]

Class of vehicles	For periods not exceeding seven days at a time	For periods exceeding seven days but not exceeding thirty days at a time
	Rs. a. p.	Rs. a. p.
1. Motor cycles (including motor scooters and cycles with attachment for propelling the same by mechanical power) whether used for drawing a trailer or side-car or not.	2 0 0	6 0 0
2 Invalid carriages ...	1 4 0	3 12 0
3. Motor cars—		
(*a*) weighing not more than 15 cwt., unladen.	3 0 0	10 0 0
(*b*) weighing more than 15 cwts., but not more than 45 cwt., unladen.	5 0 0	15 0 0
(*c*) Weighing more than 45 cwt., unladen.	7 0 0	21 0 0
(*d*) Additional tax payable in respect of such vehicles used for drawing trailers—		
(i) for each trailer not exceeding 1 ton in weight, unladen.	2 0 0	5 0 0
(ii) for each trailer exceeding 1 ton in weight, unladen :	4 0 0	10 0 0
Provided that two or more vehicles shall not be chargeable under this clause in respect of the same trailer.		
(*e*) Weighing more than 60 cwt. in weight, unladen.	8 8 0	25 0 0
(*f*) Additional tax payable in respect of such vehicles used for drawing trailers—		
(i) for each trailer not exceeding 1 ton in weight, unladen.	1 12 0	5 0 0
(ii) for each trailer exceeding 1 ton in weight, unladen :	3 8 0	10 0 0
Provided that two or more vehicles shall not be chargeable under this clause in respect of the same trailer.		

(*The First Schedule*)

ROAD TAX.

Class of vehicles	For periods not exceeding seven days at a time	For periods exceeding seven days, but not exceeding thirty days at a time
Goods Vehicles.—	Rs. a. p.	Rs a. p.
(*a*) Goods vehicles not exceeding 20 cwt. in weight, laden.	8 8 0	25 8 0
(*b*) Goods vehicles exceeding 20 cwt., but not exceeding 30 cwt. in weight, laden.	16 12 0	50 4 0
(*c*) Goods vehicles exceeding 30 cwt., but not exceeding 45 cwt. in weight, laden.	20 0 0	60 0 0
(*d*) Goods vehicles exceeding 45 cwt., but not exceeding 60 cwt. in weight, laden.	25 0 0	75 0 0
(*e*) Goods vehicles exceeding 60 cwt., but not exceeding 85 cwt. in weight, laden.	30 0 0	90 0 0
(*f*) Goods vehicles exceeding 85 cwt., but not exceeding 110 cwt. in weight, laden.	36 12 0	110 4 0
(*g*) Goods vehicles exceeding 110 cwt., but not exceeding 150 cwt. in weight, laden.	45 0 0	135 0 0
(*h*) Goods vehicles exceeding 150 cwt. but not exceeding 180 cwt., in weight, laden.	53 8 0	160 8 0
(*i*) Goods vehicles exceeding 180 cwt. in weight, laden.	58 8 0	175 8 0
(*j*) Additional tax payable in respect of Goods vehicles used for drawing trailers—		
(i) for each trailer not exceeding 20 cwt. in weight, laden.	3 8 0	10 8 0
(ii) for each trailer exceeding 20 cwt., but not exceeding 60 cwt. in weight, laden,	12 8 0	37 8 0
(iii) for each trailer exceeding 60 cwt. in weight, laden :	25 0 0	75 0 0
Provided that two or more goods vehicles shall not be chargeable under this clause in respect of the same trailer.		

(The First Schedule)

SERVICE TAX.

Class of vehicles	For periods not exceeding seven days at a time.	For periods exceeding seven days but not exceeding thirty days at a time
	Rs. a. p.	Rs. a. p.
Motor cabs, stage and contract carriages.—		
For every passenger which the vehicle is permitted to carry excluding the driver and the conductor.	5 0 0	10 0 0

MILEAGE CESS.

Stage and contract carriages with seating capacity for more than six persons.	One and a half times the rates fixed in 1(*a*), (*b*) and (*c*) of Part D of this Schedule.

Provisos :—

(1) In all cases, vehicles not fitted with pneumatic tyres on all wheels shall be liable to one and half times the rate of tax prescribed above for the respective class of the vehicle.

(2) The vehicles liable to the vehicle tax, the road tax, the service tax and the mileage cess shall be subject to the privileges, conditions, exemptions and limitations specified in the parts relating to that tax.

(The Second Schedule)

THE SECOND SCHEDULE.

Rates of Tolls.

(Section 9.)

A. MOTOR VEHICLES.

		Rs.	a.	p.
1	On every motor cycle with or without side-car and invalid carriage.	0	4	0
2	On every motor car or motor cab constructed or adapted to carry not more than seven persons including the driver.	1	0	0
3	On every four-wheeled motor vehicle constructed or adapted to carry eight persons or more including the driver.	2	0	0
4	On every goods vehicle	3	0	0
5	On every four-wheeled vehicle propelled by steam or motor power other than those specified above.	3	0	0
6	On every four-wheeled vehicle of the categories mentioned in items 4 and 5 above, if laden with timber, and entering the State at a frontier toll-bar.	6	0	0

B. VEHICLES OTHER THAN MOTOR AND STEAM VEHICLES.

		Rs.	a	p.
1	On every four-wheeled carriage ...	0	8	0
2	On every two-wheeled carriage on springs, other than a jutka or ekka.	0	4	0
3	On every ekka or jutka, laden... ...	0	2	0
4	On every ekka or jutka, unladen ...	0	1	0
5	On every other vehicle on springs excluding a tricycle and a bicycle.	0	2	0
6	On every cart or other vehicle drawn by eight bullocks, buffaloes, horses, ponies, asses or mules, if laden.	1	0	0
7	On every cart or other vehicle drawn by eight bullocks, buffaloes, horses, ponies, asses or mules, if not laden.	0	8	0
8	On every cart or other vehicle drawn by six bullocks, buffaloes, horses, ponies, asses or mules, if laden.	0	8	0
9	On every cart or other vehicle drawn by six bullocks, buffaloes, horses, ponies, asses or mules, if not laden.	0	4	0
10	On every cart or other vehicle drawn by four bullocks, buffaloes, horses, ponies, asses or mules, if laden.	0	6	0

(The Second Schedule)

		Rs.	a.	p.
11	On every cart or other vehicle drawn by four bullocks, buffaloes, horses, ponies, asses or mules, if not laden.	0	3	0
12	On every cart or other vehicle drawn by two bullocks, buffaloes, horses, ponies, asses or mules, if laden.	0	4	0
13	On every cart or other vehicle drawn by two bullocks, buffaloes, horses, ponies, asses or mules, if not laden.	0	2	0
14	On every cart or other vehicle drawn by a single bullock, buffalo, horse, pony, ass or mule, if laden.	0	2	0
15	On every cart or other vehicle drawn by a single bullock, buffalo, horse, pony, ass or mule, if not laden.	0	1	0
16	On every cart or other vehicle, if laden with timber and entering the State at a frontier toll bar.	3	0	0

C. ANIMALS, PALANQUINS, ETC.

1	On every buffalo or bullock per head, if laden ...	0	1	0
2	On every buffalo or bullock per head, if not laden ...	0	0	6
3	On every elephant	1	0	0
4	On every camel, if laden	0	4	0
5	On every camel, if not laden	0	2	0
6	On every horse, if laden or ridden	0	1	6
7	On every horse, if unladen or not ridden ..	0	0	9
8	On every thattu or mule, if laden or ridden ...	0	0	9
9	On every thattu or mule, if unladen or led ...	0	0	6
10	On every ass, if laden or ridden	0	0	6
11	On every palanquin, dooly, palna or tonjon with two bearers or rickshaw.	0	2	0
12	On every palanquin, dooly, palna or tonjon with more than two bearers.	0	4	0

Provisos—

1. Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10, 12 and 14 of B, if laden and entering the State at a frontier toll bar.

2. Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10, 12, and 14 of B, when such carts are laden with timber.

3. The Government may prescribe lower rates of tolls than those prescribed in this Schedule on carts fitted with tyres over 2½ inches in width or with pneumatic tyres.

(The Third Schedule)

THE THIRD SCHEDULE.

PART A.

(Section 15.)

RATE OF FEE FOR COMPOSITION OF TOLLS ON MOTOR VEHICLES.

Class of vehicles	Fees per quarter					
	For vehicles fitted with pneumatic tyres on all wheels			For other vehicles		
1. MOTOR CYCLES AND INVALID CARRIAGES.	Rs.	a.	p.	Rs.	a.	p.
(*a*) Motor cycles with two wheels ...	7	8	0	10	0	0
(*b*) Motor cycles if used for drawing a trailer or side-car.	10	0	0	12	0	0
(*c*) Motor cycles with three wheels ...	10	0	0	12	8	0
(*d*) Invalid carriages ...	7	8	0	10	0	0
2. MOTOR CARS AND MOTOR CABS.						
(*a*) Weighing not more than 15 cwts. unladen.	17	8	0	25	0	0
(*b*) Weighing more than 15 cwts. but not more than 30 cwts. unladen.	25	0	0	37	8	0
(*c*) Weighing more than 30 cwts. but not more than 45 cwts. unladen.	32	8	0	50	0	0
(*d*) Weighing more than 45 cwts. but not more than 60 cwts. unladen.	40	0	0	60	0	0
(*e*) Weighing more than 60 cwts. unladen.	50	0	0	75	0	0
(*f*) Additional fee payable in respect of such vehicles when used for drawing trailers :—						
(*i*) For each trailer not exceeding one ton in weight, unladen.	10	0	0	15	0	0
(*ii*) For each trailer exceeding one ton in weight, unladen.	20	0	0	30	0	0

Provided that two or more vehicles shall not be chargeable under this class in respect of the same trailer.

(The Third and Fourth Schedule)

PART B.

(*Section* 16.)

RATE OF FEE FOR COMPOSITION IN RESPECT OF A SINGLE TOLL BAR FOR CERTAIN VEHICLES

Class of vehicle	Amount of annual fee Rs.	a.	p.
(*a*) Motor cycles and invalid carriages ...	15	0	0
(*b*) Motor cars weighing not more than 30 cwts. in weight, unladen and not constructed or adapted to carry more than seven persons including the driver.	30	0	0
(*c*) Stage carriages	200	0	0
(*d*) Carts drawn by a single bullock or two bullocks.	7	8	0

THE FOURTH SCHEDULE.

(*Section* 15.)

ROADS AND BRIDGES.

(*i*)	The road and bridge over ...	the Cauvery at T.-Narsipur.
(*ii*)	Do	... the Cauvery at Krishnarajasagara.
(*iii*)	Do	... the Hemavati at Akkihebbal.
(*iv*)	Do	... the Hemavati at Gorur.
(*v*)	Do	... the Thunga at Thirthahalli.
(*vi*)	Do	... the Karagally in the Jog area.
(*vii*)	Do	... the Cauvery at Ramanathpur.

MYSORE ACT No. XV OF 1951.

THE MYSORE RESTRICTION OF MEETINGS NEAR THE LEGISLATIVE ASSEMBLY ACT, 1951.

(Received the assent of His Highness the Maharaja of Mysore on the 25th day of April 1951.)

An Act to provide for restriction of meetings, assemblies and processions near the State Legislative Assembly.

Preamble.

WHEREAS it is expedient for the undisturbed conduct of business of the State Legislative Assembly to restrict meetings, assemblies and processions of persons near the place of meeting of the Legislative Assembly;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Restriction of Meetings near the Legislative Assembly Act, 1951.

(2) It extends to the [1][whole of the State of Mysore except Bellary District.]

(3) It shall come into force at once.

Restriction on meetings, assemblies and processions near place of Legislative Assembly sessions.

2. (1) Notwithstanding anything contained in any law for the time being in force, on any day on which the State Legislative Assembly meets, no person shall, convene, or give any notice for convening, or take part in, any meeting, assembly or procession consisting of fifty or more persons, in any street, square or open place, within a distance of half a mile from the place of meeting of the State Legislative Assembly for the purpose or on the pretext of considering, preparing or submitting any petition, complaint, remonstrance, declaration or other address to the Rajpramukh or to the

1. See the Mysore Adaptation of Laws Order, 1953.

State Legislative Assembly for the regulation or alteration of any matters of State :

Provided that nothing in this section shall apply to any meeting, assembly or procession convened or held with the previous permission of the State Government.

(2) If any person contravenes any of the provisions of sub-section (1), he shall be punishable with imprisonment which may extend to six months or with fine or with both.

MYSORE ACT No. XVI OF 1951.

THE MYSORE CINEMATOGRAPH SHOWS TAX ACT, 1951.

(Received the assent of His Highness the Maharaja of Mysore on the 30th day of April 1951.)

An Act to provide for the levy of an additional tax on Cinematograph Shows in [1][the State of Mysore except Bellary District.]

Preamble. WHEREAS it is expedient to provide for the levy of an additional tax on cinematograph shows in [1][the State of Mysore except Bellary District ;]

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Cinematograph Shows Tax Act, 1951.

(2) It extends to the [1][whole of the State of Mysore except Bellary District.]

(3) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) " cinematograph show " means any cinematograph exhibition held in any place to which persons are admitted on payment ;

(2) " Government " means the State Government;

(3) " notification " means a notification published in the *Mysore Gazette* ;

(4) " prescribed " means prescribed by rules made under this Act ;

(5) " proprietor " in relation to any cinematograph entertainment, includes any person responsible for the management thereof.

---

1. See the Mysore Adaptation of Laws Order, 1956.

3. (1) There shall be charged, levied and paid to the Government, a tax on cinematograph shows, hereinafter referred to as the cinematograph tax, calculated at the following rates, namely :— Tax on cinematograph entertainments.

Cinematograph shows liable for tax	Rate of tax per show		
	For places with a seating capacity not exceeding 500	For places with a seating capacity exceeding 500 but not exceeding 800	For places with a seating capacity exceeding 800
	Rs.	Rs.	Rs
(*a*) Shows other than those held with cinematograph apparatus and plant taken from place to place—			
(i) held in the Cities of Bangalore, Mysore and Davangere and in Kolar Gold Fields Sanitary Board area;	5	7	10
(ii) held in the Towns of Kolar, Tumkur, Chitaldrug, Shimoga, Chikmagalur, Hassan and Mandya;	3	5	7
(iii) held in any other area in the State.	2	3	4
(*b*) Shows held with cinematograph apparatus and plant taken from place to place ...	..	...	Rs. 2 per show

4. The proprietor of a cinematograph show who fraudulently evades the payment of any cinematograph tax due under this Act shall, on conviction, be liable in respect of each such offence, to a fine which may extend to five hundred rupees, and shall in addition be liable to pay one and one-fourth times the tax which should have been paid. Penalty for non-payment of tax.

5. The Government may, by general or special order, exempt any cinematograph show or class of cinematograph shows from payment of the cinematograph tax. Exemptions.

Recoveries.

6. (1) Any sum due on account of the cinematograph tax, shall be recoverable by the Government as an arrear of land revenue.

(2) Any fine imposed under this Act, shall be recovered in the manner provided in the Code of Criminal Procedure, 1898, for the recovery of fines.

Power to make rules.

7. (1) The Government may, by notification, make rules for the purpose of carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for the following matters:—

(*a*) the manner of assessment and levy of the cinematograph tax payable by any proprietor for any year or part thereof;

(*b*) the proper maintenance of accounts and submission of returns;

(*c*) the time and manner of payment and collection of the cinematograph tax;

(*d*) the duties and powers of officers appointed for enforcing the provisions of this Act; and

(*e*) the issue of passes by the proprietors of Cinematograph Show for the admission of officers who have to perform any duty in connection therewith or any other duty imposed upon them by law.

(3) Any person who acts in contravention of, or fails to comply with, any rule made under sub-section (1), or sub-section (2) shall, on conviction, before a Magistrate be liable in respect of each offence to a fine not exceeding five hundred rupees.

Power of Government to delegate certain powers.

8. The Government may, by notification, delegate all or any of their powers under this Act, except those conferred on them by section 7 and by this section, to any officer subordinate to the Government.

Application of other Acts not affected.

9. The provisions of this Act are in addition to, and not in derogation of any other Act for the time being in force, relating to the levy of any tax on entertainments and amusements.

MYSORE ACT No. XVII OF 1951.

THE MYSORE CULTIVATION OF FALLOW LANDS ACT, 1951.

(Received the assent of His Highness the Maharaja of Mysore on the 30th day of April 1951.)

An Act to make provision for bringing fallow lands under cultivation in [1][the State of Mysore except Bellary District.]

WHEREAS it is expedient to make provision for bringing fallow lands under cultivation in [1][the State of Mysore except Bellary District;] Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Cultivation of Fallow Lands Act, 1951. Short title, extent, commencement and duration.

(2) It extends to the [1][whole of the State of Mysore except Bellary District.]

(3) This section shall come into force at once, and the State Government may, from time to time, by notification in the *Mysore Gazette*, apply the other provisions of this Act to the whole or any portion of the State from such date and for such period, if any, as may be specified in the notification and may cancel or modify any such notification.

(4) This Act shall remain in force for a period of five years and upon its expiry, the provisions of section 6 of the Mysore General Clauses Act, 1899, shall be applicable as if it had been repealed by a Mysore Act.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(1) expressions not defined herein shall have the meanings assigned to them respectively in the Mysore Land Revenue Code, 1888;

(2) 'approved crop' means ragi, paddy or jola crop and includes such other crops as the State Government may,

1. See the Mysore Adaptation of Laws Order, 1953.

by notification in the *Mysore Gazette*, declare to be an approved crop in any area specified in such notification;

(3) 'fallow land' means cultivable land left uncultivated or land recorded as fallow, new or old in the village accounts, and includes land recorded as grass land in consequence of its ceasing to be under cultivation for a period exceeding three years but does not include land recorded as phut kharab or a tank or embankment or a nalah or a grove or used as a threshing floor;

(4) 'land' means land which is let or occupied for agricultural purposes or for purposes subservient thereto;

(5) 'occupied land' means land held by—

(*i*) a proprietor as a holder or land-holder or superior holder or occupant or registered occupant or *kadim* tenant, or

(*ii*) by a sub-tenant;

(6) 'occupier' means a person who is for the time being in possession of occupied land and is entitled to cultivate it, either by himself, or by his servants or by hired labour;

(7) 'prescribed' means prescribed by rules under this Act.

Cultivation of fallow lands.

3. (1) Subject to the provisions of sub-section (2) every holder of occupied land in excess of—

(*a*) ten acres in the case of wet lands, or

(*b*) fifteen acres in the case of dry lands,

in any revenue year shall, if so required by an order in writing of the Amildar, be liable to cultivate either by himself or through a lessee, in addition to the area cultivated by him in the revenue year immediately preceding, such area as the Amildar may specify, of the fallow land recorded in his name in the village accounts of the said revenue year immediately preceding, and raise an approved crop thereon:

Provided that the State Government may, by notification in the *Mysore Gazette*, increase the acreage specified in clause (*a*) or (*b*) in respect of any area specified in such notification.

(2) For purposes of determining the area of fallow land to be cultivated under the provisions of sub-section (1),

(*a*) an area equal to one-tenth of the extent of the occupied land shall be deducted from the total area of the fallow land of the holder for ordinary grazing requirements of the holder;

(*b*) any fraction of less than half an acre shall not be taken into account.

(3) No order shall be made under the provisions of sub-section (1) unless an enquiry has been held by the Amildar for the purpose. In every enquiry for the said purpose, the Amildar shall, as far as may be, follow the procedure laid down in the Mysore Land Revenue Code, 1888, for conducting summary enquiries.

(4) An appeal shall lie to the Sub-Division Officer concerned from an order of the Amildar under sub-section (1) within fifteen days from the date of communication of the order of the Amildar to the holder of occupied land and the decision of the Sub-Division Officer on such appeal shall be final.

Application for exemption.

4. Any holder of occupied land may, before the expiry of the prescribed period apply to the Amildar for exemption from the provisions of section 3. If the Amildar on such enquiry as he deems fit is satisfied that the land—

(*a*) is needed by the holder for the purposes of grazing his own cattle; or

(*b*) cannot be cultivated by the holder for want of lessees or labourers;

he may grant a certificate of exemption in writing in respect of the whole or part of the area of fallow land required to be cultivated under section 3.

Penalty.

5. The holder of occupied land who does not carry out the directions contained in the order of the Amildar or of the Sub-Division Officer on appeal therefrom under section 3 shall be liable to pay such penalty not exceeding one year's assessment on the land in question as may be determined by the Amildar, unless the holder has obtained a certificate of exemption under the provisions of section 4 or has made an application as required by clause (*b*) of sub-section (1) of section 6, and the said sum shall be recoverable as an arrear of land revenue.

Power of Amildar to lease fallow lands.

6. (1) If any holder or occupier does not make suitable arrangements for the cultivation of the fallow land required to be cultivated under sub-section (1) of section 3,

(*a*) before the expiry of fifteen days from the date of order of the Amildar ; and if the Amildar does not grant a certificate of exemption under section 4 ; or

(*b*) before fifteen days from the date of the order of the Amildar, an application in writing is made by a holder or occupier requesting the Amildar to arrange for a suitable lessee for the fallow land required to be cultivated by him under section 3;

the Amildar may let out for cultivation the whole or part of the area of the fallow land of such holder or occupier required to be cultivated under section 3 to any suitable lessee for a period not exceeding five years on the condition that the lessee shall pay as rent one-third of the produce in the case of wet lands and one-fourth in the case of dry lands and in any case not being less than the bare assessment or on such other terms as can be secured.

(2) Every lease granted under the provisions of sub-section (1) shall be executed by the Amildar on behalf of the holder or the occupier, as the case may be, and the lessee shall be liable to pay the rent specified in sub-section (1) to the person on whose behalf the lease is executed at the time and in the manner provided for in the lease.

(3) Subject to the provisions of section 7 every such lease shall be valid and take effect according to its terms, notwithstanding anything to the contrary contained in any rule of law, statute or enactment for the time being in force.

Cancellation of the lease.

7. Where the person to whom a lease has been granted under section 6 fails for any reason to cultivate the land so leased to him or uses the land for a purpose other than the purpose for which it was leased out to him, the Amildar may cancel the lease and grant a fresh lease to any other person on such terms and conditions as he thinks fit and the person whose lease is cancelled under

this section shall forfeit all rights under his lease and shall also be liable to pay such sum by way of damages as may be determined by the Amildar in each case. The sum so determined as damages shall be recoverable as an arrear of land revenue.

Service of notices.

8. Every notice under this Act shall be served in the manner provided in section 199 of the Mysore Land Revenue Code, 1888.

Persons acting under the Act to be deemed public servants.

9. All persons exercising any power under any of the provisions of this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

Bar of jurisdiction.

10. (1) No civil court shall have jurisdiction to deal with any question which is by or under this Act required to be dealt with by the Amildar.

(2) No order of the Amildar under this Act shall be questioned in any civil or criminal court.

Indemnity.

11. No suit, prosecution or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act.

Rules.

12. The State Government may make such rules as may be found necessary from time to time for carrying out the purposes of this Act and rules so made shall be published in the *Mysore Gazette* and upon such publication shall have effect as if enacted in this Act.

MYSORE ACT No. XVIII OF 1951.

THE MYSORE HEALTH CESS ACT, 1951.

(Received the assent of His Highness the Maharaja of Mysore on the 30th day of April 1951.)

An Act to provide for the levy of a health cess on certain items of Revenue.

Preamble.

WHEREAS it is expedient to provide for the levy of a health cess on certain items of revenue;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Health Cess Act, 1951.

(2) It extends to the [1][whole of the State of Mysore except Bellary District].

(3) It shall come into force at once.

Definitions.

2. In this Act—

(1) "education cess" means the education cess leviable under the Mysore Elementary Education Act, 1941 (Mysore Act VI of 1941);

(2) "Government" means the State Government; and

(3) "notification" means a notification published in the *Mysore Gazette.*

Levy of Health Cess.

3. (1) There shall be levied and collected a health cess at the rate of six pies in the rupee on all items of land revenue and at such rate not exceeding one anna in the rupee as may be specified by Government by notification on all other items of revenue on which education cess is leviable.

(2) The Government may by notification levy health cess at such rate not exceeding one anna in the rupee as may be specified in the said notification on such other items of revenue as they deem fit.

1. See the Mysore Adaptation of Laws Order, 1953.

4. Any sum due on account of the health cess levied under section 3 shall be recoverable in such manner as the Government may prescribe by rules. Mode of recovery of the cess.

5. Nothing in this Act shall affect the operation of the provisions of any other Act and the levy of the health cess under this Act is in addition to and not in lieu of any other duty or cess that may be leviable under any other law for the time being in force. Levy of cess under other Acts not affected.

6. The Government may, by notification, make rules for carrying out the purposes of this Act. Power to make rules.

MYSORE ACT NO. XIX OF 1951.

THE MYSORE LIVESTOCK IMPROVEMENT ACT, 1951.

(Received the assent of His Highness the Maharaja of Mysore on the 30th day of April 1951.)

An Act to provide for the improvement of livestock in [1][the State of Mysore except Bellary District.]

WHEREAS it is expedient to provide for the improvement of livestock in [1][the State of Mysore except Bellary District;]

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Livestock Improvement Act, 1951.

(2) It extends to the [1][whole of the State of Mysore except Bellary District].

(3) This section shall come into force at once, and the State Government may, from time to time, by notification in the *Mysore Gazette*, apply all or any of the remaining provisions of this Act to the whole or any portion of the State from such date and for such period, if any, as may be specified in the notification, and may cancel or modify any such notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,

(*a*) "Director" means the officer appointed by the State Government as the Director of Animal Husbandry Services in Mysore and includes any other person on whom the powers or duties of the Director under this Act have been conferred or imposed under section 3;

(*b*) "license" means a license granted under section 4;

(*c*) "licensing officer" means the Director or any other officer or person authorised to grant licenses under section 4;

1. See the Mysore Adaptation of Laws Order, 1956.

(*d*) "prescribed" means prescribed by rules made under this Act;

(*e*) a person is said to "keep a bull" if he owns the bull or has the bull in his possession or custody; and

(*f*) a bull is said to be "castrated" if it is rendered incapable of propagating its species.

Conferment of powers or duties of the Director.

3. The State Government may, by general or special order, confer or impose on any person all or any of the powers or duties of the Director under this Act.

Bulls which have attained a certain age to be licensed.

4. (1) No person shall keep a bull which has attained the age corresponding to the eruption of the two central incisor teeth for the purpose of serving cows except under and in accordance with the terms, conditions and restrictions of a license granted under this section.

Explanation.—Where a person keeps more than one bull he shall obtain a separate license in respect of each bull.

(2) Every license under this section shall be granted by the Director or any officer or person not below the rank of Veterinary Inspector authorised by him by general or special order. It shall be in such form, for such period, and subject to such terms, conditions and restrictions as may be prescribed. No fee shall be charged for the grant of the license.

Refusal and revocation of licenses.

5. (1) Subject to such rules as may be prescribed, the licensing officer may refuse to grant or may revoke a license in respect of any bull if in his opinion the bull appears to be—

(*a*) of defective or inferior conformation and consequently likely to beget defective or inferior progeny, or

(*b*) suffering from an incurable, contagious or infectious disease or from any other disease rendering the bull unsuitable for breeding purposes, or

(*c*) of a breed which is undesirable to propagate in the district or part of the district in which it is kept.

(2) The licensing officer may also revoke a license granted in respect of any bull kept within his jurisdiction (whether such license was granted by himself or by any other officer) if in his opinion—

(*a*) the license was granted under circumstances of which the licensing officer was not aware at the time of granting the license; or

(*b*) there has been a breach of any of the terms, conditions or restrictions of the license.

(3) If a license is revoked under this section, the officer revoking the license shall give notice thereof to the person keeping the bull or to the person stated in the license to be the owner of the bull. The notice shall set out the grounds for the revocation.

(4) Where the officer or person refusing to grant or revoking a license under sub-clause (1) or sub-clause (2) is not the Director, an appeal shall lie against such order to the Director.

(5) No person shall be entitled to any compensation for the refusal or revocation of any license under this section.

Surrender of license.

6. A license granted in respect of a bull shall be surrendered without delay to the licensing officer, if,

(*a*) the period specified in the license expires, or

(*b*) the license is revoked under this Act, or

(*c*) the bull dies or is certified by the prescribed officer to have been effectively castrated by a method and in a manner approved by the Director.

Grant of duplicate license.

7. If the licensing officer is satisfied that the license granted under section 4 has been lost or destroyed, such officer may, subject to such conditions and payment of such fees, as may be prescribed, issue to the holder of the license a duplicate thereof, and all the provisions of this Act with respect to the license so lost or destroyed shall apply to the duplicate as if it were the original license.

Inspection of bulls.

8. The licensing officer may by order require any person keeping a bull to submit it for inspection by himself or by any officer or person deputed by him for

the purpose, at any reasonable time, at the place where the bull is kept for the time being and thereupon it shall be the duty of the person keeping the bull to submit it for inspection accordingly, and render all reasonable assistance in connection with such inspection to the officer concerned.

Power to order castration of bulls.

9. (1) The licensing officer may, by order, require any person keeping a bull required to be licensed under section 4 and in respect of which no license is for the time being in force under this Act, to have it effectively castrated, within three months from the date of service of the order.

(2) Such castration shall be performed or caused to be performed by the licensing officer free of charge, unless the owner or other person keeping the bull desires to make his own arrangements for complying with the order.

Production of license.

10. It shall be the duty of any person who for the time being keeps a bull in respect of which a license has been obtained and is in force, to produce such license :

(*a*) within a reasonable time, at any place where the bull is for the time being, on demand made by a licensing officer or any officer of the Animal Husbandry Department not below the rank of Veterinary Inspector, or

(*b*) before a cow is served by the bull, on demand made by the person in charge of the cow.

Penalties.

11. Whoever—

(*a*) keeps a bull, in contravention of the provisions of this Act or of any rule or order made thereunder, or of any terms, conditions or restrictions of a license ; or

(*b*) neglects or fails to submit a bull for inspection when required to do so under section 8, or

(*c*) neglects or fails to comply with an order served under section 9; or

(*d*) neglects or fails to produce a license when required to do so under section 11,

shall be punishable with fine which may extend to fifty rupees and in case of a second or any subsequent

offence, with fine which may extend to one hundred rupees.

Power of licensing officer to castrate bulls.

12. (1) If a person who keeps a bull neglects or fails to have it castrated when required to do so under section 9, the licensing officer may direct that the bull shall be castrated by a method and in a manner approved by the Director and marked with a prescribed mark in the prescribed manner, free of charge.

(2) (*a*) If it is not known in whose ownership, possession or custody a bull is for the time being, and the fact cannot be ascertained after an enquiry in the prescribed manner, the licensing officer may seize the bull or cause it to be seized, and if he is of opinion that the bull has attained the age specified in section 4 and is unsuitable for breeding purposes on any of the grounds specified in sub-section (1) of section 5, may direct that the bull be castrated by a method and in a manner approved by the Director and marked with a prescribed mark in the prescribed manner, free of charge.

(*b*) Every bull seized under clause (*a*) shall, after it has been castrated and marked as aforesaid where necessary, be sold by public auction or sent to a pinjrapole or infirmary, recognised by the State Government in this behalf.

(*c*) In case the owner of any bull seized under clause (*a*) appears before the licensing officer within such time as may be prescribed in this behalf and proves to the satisfaction of such officer that the bull is owned by him :

(i) in case the bull has been sold by public auction, the proceeds of such sale shall be paid to the owner after deducting therefrom the costs, charges and expenses incurred for the maintenance and sale of the bull ; and

(ii) in any other case, the bull shall be delivered to the owner on payment of the costs, charges and expenses incurred for its maintenance.

(*d*) The costs, charges and expenses referred to in sub-clauses (i) and (ii) of clause (*c*) shall be determined in the prescribed manner.

Power of licensing officer, etc., to inspect or mark bulls and to enter premises.

13. For the purposes of this Act, a licensing officer or any officer or person authorised by him in this behalf shall have power at all reasonable times,

(*a*) to inspect any bull ;

(*b*) to mark any bull with a prescribed mark in the prescribed manner ; and

(*c*) subject to such conditions and restrictions, if any, as may be prescribed, to enter any premises or other place where he has reason to believe that a bull is kept.

Duty of officers to report offences.

14. It shall be the duty of all village officers and servants and of all officers of the Animal Husbandry, Agricultural and Revenue Departments :

(*a*) to give immediate information to the nearest licensing officer, of the commission of any offence, punishable under this Act which may come to their knowledge ;

(*b*) to take all reasonable measures in their power to prevent the commission of any such offence which they may know or have reason to believe is about or likely to be committed ; and

(*c*) to assist any licensing officer in carrying out the provisions of this Act.

Cognizance of offences.

15. No Magistrate shall take cognizance of any offence under this Act except upon a complaint made by a licensing officer or any person authorised by such officer in this behalf.

Officers to be public servants.

16. The Director, every licensing officer, all officers and persons authorised by the Director or licensing officer under this Act, and all village officers and servants shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (XLV of 1860).

Bar of certain proceedings.

17. (1) No suit, prosecution or other proceeding shall lie against any officer or servant of the State Government for any act done or purporting to be done under this Act without the previous sanction of the State Government.

(2) No officer or servant of the State Government shall be liable in respect of any such act in any civil or criminal proceeding if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

Limitation for certain suits and prosecutions.

18. No suit shall be instituted against the State Government and no suit, prosecution or other proceeding shall be instituted against any officer or servant of the State Government in respect of any act done or purporting to be done under this Act, unless the suit, prosecution or other proceeding is instituted within six months from the date of the act complained of.

Revision

19. The State Government may, at any time, either *suo motu* or on application, call for and examine the record of any order passed by, or any proceedings recorded by any officer or person under this Act, for the purpose of satisfying themselves as to the legality or propriety of such order or as to the regularity of such proceedings, and may pass such orders in reference thereto as they think fit.

Nothing contained in this section shall apply to the orders or proceedings of any Court or Magistrate.

Power to make rules.

20. (1) The State Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) all matters expressly required or allowed by this Act to be prescribed ;

(*b*) the circumstances in which duplicates of licenses may be granted, the fees which may be charged for the grant of such duplicates, and the conditions, restrictions and limitations subject to which they may be granted ;

(*c*) the powers to be exercised and the duties to be performed by officers appointed under this Act, and the procedure of such officers ; and

(*d*) the service of notices and orders issued under this Act.

(3) In making a rule under sub-section (1) or sub-section (2), the State Government may provide that a person guilty of a breach thereof shall be punishable with fine which may extend to fifty rupees.

(4) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication.

(5) All rules made under this section shall be published in the *Mysore Gazette* and upon such publication shall have effect as if enacted in this Act.

Saving.

21. (1) Save as provided in sub-section (2), nothing contained in this Act shall apply to a bull dedicated in good faith to a religious purpose in accordance with any religious usage or custom, provided that notice of the dedication is given in the prescribed manner to the licensing officer.

(2) If the licensing officer is of opinion that any such bull as is referred to in sub-section (1) is of the description set out in sub-clause (*a*), or sub-clause (*b*) or sub-clause (*c*) of sub-section (1) of section 5, he may cause such bull to be effectively castrated by a method and in a manner approved by the Director or cause such bull to be removed to a prescribed place.

MYSORE ACT No. XX OF 1951.

THE MYSORE STATE AID TO INDUSTRIES ACT, 1951.

(Received the assent of His Highness the Maharaja on the 14th day of May 1951.)

An Act to regulate State aid to industries.

Preamble.

WHEREAS it is expedient to regulate the giving of aid by the Government to industries in [1][the State of Mysore except Bellary District;]

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Mysore State Aid to Industries Act, 1951.

(2) It extends to the [1][whole of the State of Mysore except Bellary District.]

(3) It shall come into force at once.

Definitions.

2. In this Act,

(1) "cottage industry" means any industry carried on by a person at home not being a factory;

(2) "Government" means the State Government;

(3) "prescribed" means prescribed by rules made under this Act;

(4) "village industry" means any industry which forms the normal occupation, whether whole-time or part-time, of any class of the rural population of the State.

Director of Industries.

3. The Government may appoint any officer or other person to perform all or any of the functions of the Director of Industries under this Act.

Board of Industries.

4. (1) There shall be constituted a Board of Industries consisting of ten members.

1. See the Mysore Adaptation of Laws Order, 1953.

(2) Five members shall be nominated by the Government, one member shall be elected by the Mysore Chamber of Commerce and three members shall be elected by the Mysore Legislative Assembly from amongst its members. The Manager of the Bank of Mysore, Limited, Bangalore, shall be the *ex-officio* member of the Board.

(3) One of the members of the Board shall be appointed by the Government as Chairman.

(4) The election of one member by the Mysore Chamber of Commerce and of three members by the Mysore Legislative Assembly shall be conducted in such manner as may be prescribed. A return of the name of every person elected shall be made to the Government by the President of the Mysore Chamber of Commerce or the Secretary of the Mysore Legislative Assembly, as the case may be, and such return shall be published in the *Mysore Gazette*.

(5) The Board of Industries shall assist the Government in dealing with applications for the grant of State aid under this Act.

(6) No member shall vote on or take part in the discussion of any question coming up for consideration at a meeting of the Board of Industries if the question is one in which he has any direct or indirect pecuniary interest by himself or his partner or in which he is interested professionally on behalf of a client or as agent for any person other than the Government or a local authority.

No aid except in accordance with the provisions of this Act.

5. No aid shall be given by the Government to any industrial business or enterprise except in accordance with the provisions of this Act.

Industries to be aided.

6. (1) The industries to which aid may be given under this Act shall be such as have an important bearing on the economic development of the country and shall be :

(*a*) new or nascent industries, or

(*b*) industries to be newly introduced into areas where such industries are undeveloped, or

(*c*) cottage industries, or

(*d*) old or established industries :

Provided that aid shall not be given to any old or established industry unless the Government is satisfied that special reasons exist for giving such aid.

(2) No such aid shall be given to any joint-stock company unless :

(*a*) the same is registered in India on a rupee capital, and

(*b*) the company conforms to such rules as may be made by the Government from time to time requiring that a minimum number or a proportion of the members of its board of management shall be citizens of India :

Provided further that every recipient of aid under this Act shall make such provision for the training of apprentices as the Government may, from time to time, prescribe.

(3) The decision of the Government as to whether the conditions of this section are fulfilled shall be final and shall not be called in question in any court of law.

Method of giving State aid.

7. Subject to the provisions of this Act and of the rules framed thereunder, the Government shall have power to give aid to an industrial business or enterprise in one or more of the following ways :—

(*a*) by granting a loan ;

(*b*) by guaranteeing a cash credit, overdraft or fixed advance with a bank ;

(*c*) by paying a subsidy, in the case of a cottage industry for any purpose, and in the case of any other industry for the conduct of research or the purchase of machinery ;

(*d*) by subscribing for shares or debentures ;

(*e*) by guaranteeing a minimum return on part of the capital of a joint-stock company ;

(*f*) by making a grant on favourable terms of land, raw material, firewood or water ;

(*g*) by supplying at concessional rates electric energy from a source owned by the Government or any machinery or part of a machinery.

Application for State aid and procedure in de with applications.

8. (1) Any person desiring to obtain a loan or other aid for any industrial business or enterprise shall make his application to the Director of Industries in such form and shall furnish such information concerning his business as may be prescribed.

(2) If the extent of the aid applied for exceeds Rs. 50,000 and in any other case in which he considers this procedure necessary, the Director of Industries shall publish a notice in the prescribed manner calling upon any person who objects to the grant of the aid applied for, to state his objections at a time and place to be specified, and shall hear such objections and make such inquiry as may be necessary.

(3) Every application for aid shall be placed before the Board of Industries for advice.

(4) No aid shall be granted under this Act if the Board by a resolution supported by not less than eight members advises the rejection of the application.

Grant of loans.

9. No loan shall be granted of an amount exceeding fifty per cent of the net value of the assets of the industrial business or enterprise and of any other property offered as collateral security for the loan, after deducting in both cases existing encumbrances, such value to be ascertained by such person as may be appointed by the Government and in accordance with such rules as may be prescribed; for the purpose of this valuation the additional assets which may be created by the expenditure of the sums granted may be taken into account to such extent as may be prescribed.

Loans how secured.

10. Every loan granted under this Act, shall be secured by a mortgage or floating charge upon the whole of the assets of the business or enterprise, subject to any encumbrances existing at the time of the grant, and by such collateral security, if any, as may be required by the Government, and shall bear interest payable on such dates and at such rates as the Government may determine.

Inspection and returns.

11. In any case in which a loan has been applied for under this Act, the applicant, and at any time during the currency of a loan that has been granted under it, the grantee, shall be bound—

(*a*) to comply with any general or special order of the Government relative to the inspection of the premises, buildings, or plant or stock in hand of the industrial business or enterprise ;

(*b*) to permit the inspection of all accounts relative to the industrial business or enterprise ;

(*c*) to furnish full returns of all products manufactured or sold both as regards description and quantity ;

(*d*) to maintain such special accounts or to furnish such statement as the Government may, from time to time, require ;

(*e*) to submit the accounts of the industrial business or enterprise to such audit as the Government may prescribe.

Control of business assisted.

12. In any case in which a loan or loans is or are granted under this Act, amounting to two lakhs of rupees or upwards, the Government shall, and in any other case may, by the appointment of Government directors or otherwise, take power to ensure such control over the conduct of the business or enterprise as shall suffice in its opinion to safeguard its interests.

Repayment of loans.

13. (1) Every loan granted under this Act shall be made repayable by instalments within such period from the date of the actual advance of the loan, or when the loan is advanced in instalments, from the date of payment of the last instalment, as may be fixed by the order granting the loan.

(2) The period fixed as aforesaid shall not exceed ten years unless the Government shall, by general or special order, extend the same.

Guaranteeing of loans by banks.

14. No guarantee of a cash credit, overdraft or fixed advance with a bank shall be given except under the conditions prescribed in sections 9 to 12 in respect of loans.

Exemption of small and cottage industries.

15. Save as otherwise may be prescribed by rules made under this Act, nothing in sections 9, 10, 11 and 14 shall apply to any industrial business or enterprise with a capital outlay not exceeding two thousand rupees or to cottage industries.

Subscriptions for shares or debentures or guarantee of a minimum return on capital.

16. The condition of subscription by the Government for shares and debentures of any industrial business or enterprise or the guarantee by the Government of a minimum return on the capital of a joint-stock company shall be that the business or enterprise shall be subject to the conditions of section 11 in respect of inspection and returns as well as to the provisions of section 12 in respect of Government control :

Provided that—

(*a*) for all shares subscribed by the Government, there must be taken up and fully paid for not less than such number of shares as may be fixed by special or general order of the Government ;

(*b*) for all capital on which a return is guaranteed by the Government, there shall be paid up not less than an equal amount of capital which carries no guarantee.

Subsidy by the Government.

17. The condition of a grant of subsidy or of any payment under guarantee of a minimum return on the paid-up capital or of the grant of Government land, raw material, firewood or water on favourable terms, or of the supply, from a Government source, of electric energy at concessional rates, shall ordinarily be that an amount equal to the sum paid or to the value of the grant or concession as fixed at the time when it is made, shall be repaid to the Government at the close of a fixed term of years, if, within that term, the industrial business or enterprise shall be shown to be paying interest or a dividend upon the capital invested in excess of such rate as the Government may fix.

No subsidy (to an industry other than a cottage industry) shall exceed forty per cent of the cost of the research or of the cost of the machinery as the case may be.

Disposal of profits when condition of State aid is not fulfilled.

18. No recipient of State aid shall pay any dividend or distribute or take any profits in excess of such percentage rate upon the amount of the capital of the industrial business or enterprise as the Government may fix from time to time until the conditions on which the State aid has been granted are fulfilled. The balance of the profits, after setting aside proper amounts for depreciation or obsolescence of plant and buildings, and for the payment of interest on debentures of loans, shall be carried to a reserve fund to be utilized in such manner as the Government may approve.

Methods of recovery of money due.

19. (1) All moneys payable under this Act, including any interest chargeable thereon and costs, if any, incurred, if not paid when due, may be recovered from the person aided and his surety, if any, under the law for the time being in force, as if they were arrears of land revenue.

(2) When any sum due as aforesaid is paid by the surety or is recovered from him or out of his property under sub-section (1), the Deputy Commissioner shall, on the application of the surety, so far as possible, recover the same from the person aided and pay the same to the surety.

Power to Government to terminate aid on account of fault.

20. If the Government decides for reasons to be recorded in writing to terminate aid in respect of an industrial business or enterprise on any of the following grounds, namely :—

(i) that any portion of the aid given has been misapplied, or

(ii) that there has been a breach by the person in receipt of the aid of the provisions of this Act or of any rule made thereunder or of any condition of the grant, or

(iii) that the application on which the aid has been granted contained, or was accompanied by, any material statement by the applicant which he knew to be false, or any intentional concealment by him of any material fact, which in the opinion of the Government it was his duty to disclose, or that any such false statement or concealment was intentionally made in any inquiry made under this Act by or with the connivance of the

applicant or in any return under this Act, or in reply to any requisition for information under this Act, or

(iv) that the industrial business or enterprise is being managed in such a manner as to endanger the repayment of the value of aid granted thereto repayable under this Act,

the Government may make an order that the aid be terminated and, notwithstanding anything contained elsewhere in this Act or in any other enactment, may proceed to recover from the grantee as a public demand—

(*a*) the whole amount of any loan outstanding, together with such interest as may be due thereon, or

(*b*) in cases where the aid is given otherwise than by loan, the money value of the grant as fixed at the time when it was made, together with interest at a rate not exceeding twelve and a half per cent, from the date of the grant till the date of realisation, and

(*c*) in the cases mentioned in sub-section (*a*) or sub-section (*b*) the cost of recovery, and, if the Government so directs, the cost of any inquiry made in connection therewith,

and such order shall be final.

Fees.

21. The Government may charge in respect of applications, inquiries, inspections and audit by whomsoever made under this Act, such fees, if any, as may be prescribed.

State aid granted prior to commencement of Act.

22. Any such aid as is referred to in section 7, given by the Government to any industry prior to the commencement of this Act, shall, on the issue of an order to that effect by the Government in the *Mysore Gazette*, be deemed to be aid given under this Act and on the issue of such order, all the provisions of this Act and of any rules made thereunder shall apply to such aid and such industry as if such aid was given to such industry under this Act.

Powers of Government as regards starting or conducting industries and giving aid of certain kinds.

23. Nothing in this Act shall be held to debar the Government,

(*a*) from starting or conducting any industrial business or enterprise;

(*b*) from assisting an industrial business or enterprise by agreements to purchase on business terms the whole or a portion of the products of the same;

(*c*) from assisting an industrial business or enterprise by giving gratis or on favourable terms, the services of Government officials or experts either in the capacity of advisers or for a limited period for starting or conducting such business or enterprise;

(*d*) from assisting an industrial business or enterprise in connection with industrial education or the training of apprentices;

(*e*) from assisting a village industry in any manner which may be determined by the Government.

Power to make rules.

24. (1) The Government may make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, it may make rules regulating all or any of the following matters :—

(i) the classes of industrial businesses or enterprises to which and the purposes for which aid may be given;

(ii) the term of office of the members of the Board of Industries, the quorum at the Board's meetings, the method of arriving at its decisions, the appointment of a Secretary and staff, the allowances payable to its members and all other matters relative to the conduct of its business;

(iii) the manner of making applications for State aid and the information to be given in such applications, provided that no such rules shall require any applicant or grantee of aid to divulge any information relating to the technical details of any process of any patent owned by him;

(iv) the manner of conducting inquiries and the matters to be specially inquired into in dealing with applications for the State aid and the powers to be exercised by the Director of Industries conducting such inquiries ;

(v) the mode of ascertaining the value of the assets of an industrial business or enterprise ; or of any property offered as collateral security for a loan ;

(vi) the nature of the security to be taken for the due application of loans and grants and the rates of interest at which and the conditions under which loans or grants may be given, and the creation of a mortgage, floating charge or collateral security under section 10 ;

(vii) the inspection of the premises, buildings, plant and stock on hand and the accounts of any industrial business or enterprise for which State aid has been granted ;

(viii) the mode of keeping and auditing the accounts and of furnishing returns of any industrial business or enterprise in respect of which State aid has been granted ;

(ix) the appointment and functions of Government directors or the prescribing of other methods of control of industrial businesses or enterprises in respect of which State aid has been granted ;

(x) the application of profits in cases in which the conditions under which loans or grants have been made have not been fulfilled ;

(xi) the guaranteeing by the Government of cash credits, over-drafts or fixed advances by banks and the recognition of banks for this purpose ;

(xii) the fixing of the period for the repayment of loans and the conditions and dates of the repayment of subsidies and grants ;

(xiii) the recovery of any moneys due under this Act ; and

(xiv) the conditions under which and the security on which loans shall be granted or guarantees of a cash credit, over-draft or fixed advance with a bank given to the industries referred to in section 15 :

Provided that such rules shall take effect and have the force of law after one month from the date of their publication in the *Mysore Gazette*:

Provided further that such rules shall be laid on the table of the Mysore Legislative Assembly and may be amended by a resolution passed within one month from the date of notification or, if the Assembly is not sitting, on such date within one month from the date of its next meeting.

THE MYSORE TOWN MUNICIPALITIES ACT, 1951.

Arrangement of sections.

CHAPTER I.

PRELIMINARY.

1. Short title and commencement.
2. Repeal of Mysore Acts VIII and IX of 1933.
3. Definitions.

CHAPTER II.

CONSTITUTION OF MUNICIPAL COUNCILS.

4. (1) Delimitation of town municipalities.
(2) Limits to be specified in notifications.
(3) Erection and maintenance of boundary marks.
(4) Property and rights of municipal council which has ceased to exist to vest in Government.
5. Conversion of city municipalities into town municipalities.
5A. Amalgamation of two contiguous town municipalities.
6. (1) What local areas may be declared to be town municipalities.
(2) Naming of municipalities comprising two or more places.
7. Town municipalities.
8. Constitution and incorporation of town municipal councils.
9. (1) Constitution of municipal councils.
(2) All the councillors to be elected.
(3) Reservation of seats for scheduled castes.
(4) Members of scheduled castes may stand for election to non-reserved seats.
(5) Certain officers notified by the Government to attend meetings and speak.
10. Appointment by Government when councillors are not elected.
11. Territorial divisions for elections.
12. Qualification for enrolment in the electoral roll.
13. (1) Operation of lists.
(2) Right to vote to depend on entry in roll.
(3) Enrolment in municipal electoral roll necessary for election as councillor.
14. (1) General disqualifications for becoming a councillor.
(2) Disabilities from continuing to be a councillor.
(3) Power of Government to decide whether vacancy has occurred.
15. Resignation.
16. Liability to removal from office.
17. Term of office.

18. Casual vacancies how to be filled up.
19. Notification of names of persons elected.
20. (1) and (2) Determination of validity of elections, enquiry by Commissioner, procedure.
(3) (*a*) Declaration in case of corrupt practice by a candidate.
(*b*) Scrutiny of votes and declaration in other cases.
(4) What is a corrupt practice?
Candidate when deemed to have committed corrupt practice
Promise of individual profit.
(5) Mere irregularities and informalities not to invalidate election.
(6) Disqualification of candidate for corrupt practice.
21. Bar of suits relating to elections, etc.
22. Municipal Government to vest in municipal council.
23. (1) Every municipal council to have a president and if the municipal council so desires, a vice-president.
(2) President to be elected.
(3) Vice-president to be elected.
(4) Appointment of president or vice-president by the Government.
(5) When Deputy Commissioner and Amildar may perform functions of president.
(6) Consequence of absence of president or vice-president without leave.
(7) Limit of grant of leave and arrangements during leave.
(8) Vacation of office by vice-president on becoming president.
(9) Vacation of office by president and vice-president for want of confidence.
(10) Removal of presidents and vice-presidents.
(11) Term of office of president and vice-president.
(12) Vacancies in their office how to be filled up.
(13) Remuneration of president and vice-president of municipal council.
24. Functions of presidents.
25. Custody of records.
26. Functions of vice-presidents.

CHAPTER III.

CONDUCT OF BUSINESS.

27. Provisions in regard to meetings of a municipal council.
(1) Ordinary general meetings.
(2) Special general meetings.
(3) Notice to be given of meetings.
(4) Meetings to be held at municipal office.
(5) Meeting how presided over in the absence of the president and vice-president.
(6) Meeting must ordinarily be open to the public.
(7) Number of councillors required to form a quorum.
(8) Business to be transacted at meetings, and order of business how to be settled.
(9) Minutes of proceedings to be kept.
(10) All questions must be decided by a majority of votes.

(11) Councillor not to vote on questions in which he has pecuniary interest.
(12) Presiding authority to vacate the chair when he has pecuniary interest in any matter under discussion.
(13) Adjournments of meetings.
(14) Modification and cancellation of resolutions.
(15) Notice of business to be transacted must in certain cases be given to the Government Executive Engineer.
(16) (*a*) Certain Government officers may attend meetings of municipal councils.
(*b*) Municipal council may require the presence of certain of the said officers at their meetings.

28. Rights and privileges of individual councillors.
29. Committees.
30. When persons other than councillors may serve on committees. Duties, etc., of such persons.
31. (1) and (2) When Chairman to be ex-officio.
(3) When no ex-officio chairman, municipal council may appoint chairman.
(4) When ex-officio or appointed chairman does not attend meeting, committee may appoint chairman of meeting.
(5) If there is no chairman ex-officio or appointed by the municipal council, the committee shall appoint a chairman from time to time.
32. (1) Procedure at meetings.
(2) Committees shall meet when they think proper.
(3) Number of members required to form quorum at committee meetings.
33. (1) Procedure by circular.
(2) Propositions when to be sent to Government officers for remarks.
(3) Decisions how to be taken on propositions circulated ;
(4) and how to be recorded.
34. (1) Subordination of committees to instructions of municipal council and compliance with requisitions of municipal council.
(2) Orders subject to revision and appeal.
35. Powers, duties and functions may be delegated to officers whose expenses may be paid.
36. Acts and proceedings of municipal council and committees not vitiated by disqualifications, etc., of members thereof.
Proceedings of meetings to be good and valid until the contrary is proved.
Vacancy not to affect municipal council's proceedings.
37. Joint committees of two or more municipal councils.
38. (1) Competency of municipal council to lease, sell and contract.
(2) Subject in certain cases to sanction of Government.
(3) Sanction by resolution at general meeting requisite to validity of certain contracts.
(4) Sanction of municipal council when requisite in other cases.
(5) When tenders should be invited.
(6) Sanction by committees and individuals empowered.

(7) Mode of executing contracts.
(8) Invalidity of contracts unless requirements of the section are fulfilled.

39. Contracts by officers appointed by Government to execute municipal works and payment for such works.

40. Acquisition of land.

41. (1) Municipal fund ordinarily liable for all costs and expenses incurred by municipal councils.
(2) Liability of president, vice-president and members for loss, waste or misapplication.

42. (1) Officer or servant of any municipal council not to be interested in any contract with such municipal council.
(2) Effect of acquiring such interest.
(3) Saving clause.

43. Penalty for councillor, officer or servant of a municipal council being interested in any contract, etc., with that municipal council.

44. Notice to sweepers and scavengers before discharge.

45. Councillors, etc., to be deemed public servants.

CHAPTER IV.

RULES AND BYE-LAWS.

46. Government to make rules—
(*a*) Regulating the conduct of business.
(*b*) Fixing the functions of the president and the establishment.
(*c*) For general guidance of municipal servants.
(*d*) Fixing the amount of the security to be furnished.
(*e*) Determining mode of appointing, etc., municipal servants; delegating power to appoint, etc.
(*f*) Granting leave to municipal servants.
(*g*) Contributing to provident fund.
(*h*) Prescribing the taxes, etc., to be levied for municipal purposes.
(*i*) For writing off amounts due and remitting fees.

47. Power to suspend, reduce or abolish any existing tax.

48. Government to make bye-laws—
(*a*) For markets and slaughter-houses, etc.
(*b*) For licensing, regulating and inspecting certain businesses.
(*c*) Regulating the stalling of cattle, etc.
(*d*) For regulating dairies and cattle sheds, Milk-stores, etc.
(*e*) For inspection of weights and measures.
(*f*) For the registration of births, etc.
(*g*) Regulating the disposal of the dead.
(*h*) For enforcing information as to epidemics.
(*i*) For enforcing information as to liability to municipal taxation.
(*k*) Octroi bye-laws.
(*l*) For protecting water.

(*m*) Regulating public baths, etc.
(*n*) For conservancy.
(*o*) For constructing houses for the poor.
(*p*) For the disposal of carcasses.
(*q*) Regulating structures and buildings.
(*r*) For regulating construction or use of buildings.
(*s*) For providing for streets.
(*t*) For ensuring ventilation.
(*u*) Control of drains.
(*v*) Requiring information and plans in certain cases.
(*w*) For controlling unwieldy traffic.
(*x*) Public parks.
(*y*) For licensing factories, the use of steam whistles, etc.
(*z*) Fine may be imposed for infringement of bye-laws.

(3) Publication of drafts of proposed bye-laws.
Objections and suggestions to be submitted to Government.

49. Rules and bye-laws to be printed and sold.

CHAPTER V.

MUNICIPAL PROPERTY AND FUND.

50. (1) Power to acquire and hold property.
(2) Property vested in the municipal council.
(3) Power of Government to resume property.

51. Municipal Fund.
Provision as to special trusts.

52. Application of municipal fund and property.

53. (1) Power to deposit and invest surplus funds.
(2) Surplus not so deposited or invested how to be dealt with.

54. Power of municipal councils to borrow money.

CHAPTER VI.

OBLIGATORY AND DISCRETIONARY FUNCTIONS OF MUNICIPAL COUNCILS.

55. Obligatory duties of municipal councils.

56. Special duties.

57. Power of Government to exempt municipal council from any of the duties.

58. Discretionary powers of expenditure of municipal councils.

59. Arrangements purporting to be binding permanently or for a term of years.

60. Management of public institutions maintained by municipal councils to vest in it.

CHAPTER VII.

MUNICIPAL TAXATION.

61. Taxes which may be imposed.

62. Procedure preliminary to imposing tax.

63. Power to sanction, modify and impose conditions.
64. Publication of sanctioned rules with notice.
65. Duty on certain transfers of immovable property.
66. Seizure and sale of vehicles not bearing numbers.
67. Appointment of assessor.
68. (1) Preparation of an assessment list.
(2) Power to inspect.
(3) Returns to be furnished.
69. (1) Person primarily liable for a rate on buildings or lands or both how to be designated if his name cannot be ascertained.
(2) Occupier liable for a rate on buildings or lands or both until he gives information.
70. Publication of notice of assessment list.
71. (1) Public notice of time fixed for revising assessment list.
(2) Revising authority.
(3) Objections how to be made.
(4) Hearing of objections.
(5) Authentication of list.
(6) Custody and inspection of list.
(7) Authenticated list how far conclusive.
72. (1) Amendment of assessment list.
(2) Objections how dealt with.
(3) Effect of amendment.
73. New assessment list need not be prepared every year.
74. Tax from whom primarily leviable.
75. Notice to be given to municipal council of all transfers of title by persons primarily liable to payment of taxes on buildings or lands.
76. Form of notice.
77. Name of transferee to be substituted in the municipal registers.
78. Liability for payment of taxes on buildings or lands to continue in the absence of notice of transfer.
79. Remission of tax in case of vacancies when obligatory.
80. (1) Municipal council may charge fee for certain licences.
(2) Levy of fees for unauthorised occupation or projection.
(3) Market and other fees.
(4) Farming of fees.
(5) Power of lessee to expel persons who refuse to pay fees.
81. (1) Composition of toll.
(2) Recovery of sums claimed under this section.
82. Power of Government to suspend or prohibit levy of objectionable taxes.
83. Power of Government to require municipal council to impose taxes.
84. Octroi bye-laws to be submitted with proposal for imposition of octroi.
85. (1) Power to examine articles liable to octroi.
(2) Power to search where octroi is leviable.

86. (1) Presentation of bills for octroi.
(2) Penalty for evasion of octroi.

87. (i) Penalty for selling articles liable to octroi without a licence or for being in possession of any such article on which octroi has not been paid.
(ii) Seizure of articles on which octroi duty has not been paid and arrest of person in possession of such articles.
(iii) Searches and arrests to be governed by the Code of Criminal Procedure, 1904.

88. Tables of tolls to be shown on demand.

89. (1) Power to seize vehicle on non-payment of octroi or toll.
(2) Notice of sale.
(3) Release of property on payment.
(4) Sale.
(5) Surplus how dealt with.

90. Power to keep account current with firm or public body in lieu of levying octroi on introduction of goods.

91. Farming of tolls.

CHAPTER VIII.

RECOVERY OF MUNICIPAL CLAIMS

92. (1) Presentation of bill for taxes.
(2) Contents of bills.
(3) If bill not paid within fifteen days, notice of demand to issue.

93. (1) In what cases warrant may issue.
(2) Warrant by whom to be signed.
(3) To whom the warrant should be addressed.
(4) Power of entry under special order.
(5) Warrant how to be executed.

94. (1) Sale of goods distrained in special cases.
(2) Sale of property distrained; application of proceeds of sale.
(3) Surplus, if any, how dealt with.

95. Distraint and sale outside the municipality.

96. Procedure when distraint is impracticable.

97. Summary proceedings may be taken against persons about to leave the municipality.

98. Fees and costs chargeable.

99. (1) Appeal to magistrates.
(2) Revision of decisions on appeal.

100. Liability of land, buildings, etc., for rates.

101. Suspension of power to recover by distress and sale.

102. Receipts to be given for all payments.

CHAPTER IX.

MUNICIPAL POWERS AND OFFENCES.

103. Power regarding streets, etc.

104. Temporary closure of streets.

105. The regular line of public street.

106. (1) Setting back projecting buildings.
(2) Acquisition of land which is within the regular line of a street and open or occupied only by platforms, etc.
(3) Compensation payable by the municipal council.

107. Setting forward to regular line of street.

108. Buildings at corner of streets.

109. (1) Roofs and external walls of buildings not to be made of inflammable materials.
(2) Power to require removal of roof and wall, if inflammable.
(3) Penalty.

110. Level of building.

111. Rat-proof building for warehouse for storing grain.

112. (1) Notice of new buildings.
(2) Power of municipal council to pass orders.
(3) Or to suspend the work or to require further particulars.
(4) Right to proceed in certain cases.

113. Power of Government to prohibit the erection of buildings in certain area without permission.

114. Regulation of huts.

115. Improvement of huts.

116. Municipal control over drains, etc.

117. Powers for making drains.

118. (1) Sufficient drainage of houses.
(2) New buildings not to be erected without drains.

119. Power of owners and occupiers of buildings or lands to drain into municipal drains.

120. Provision of privies, etc.

121. Cost of altering, repairing and keeping in proper order privies, etc.

122. Power in respect of sewers, etc., unauthorisedly constructed, rebuilt or unstopped.

123. Encroachment on municipal drains, etc.

124. Inspection of drains, etc.

125. Power of carrying water mains, etc.

126. Permission necessary for certain projections.
Removal of projections.

127. Troughs and pipes for rain water.

128. Fixing of brackets, etc., to houses.

129. Naming streets and numbering houses.

130. Removal and trimming of hedges, trees, etc.

131. (1) Ruinous or dangerous buildings.
(2) Action to be taken on default by owner or occupier.
Proviso if danger is not imminent.

132. (1) Powers and duties with regard to dangerous, stagnant or insanitary sources of water-supply.
(2) Remedy for non-compliance with direction issued.

133. (1) Displacing pavements, etc.
(2) Penalty for failure to replace after notice.

134. Obstruction and encroachments upon public streets and open spaces.
135. Hoardings to be set up during repairs, etc.
136. Fencing and lighting during repairs, etc.
137. Timber not to be deposited or hole made in a street without permission.
138. Provision as to dogs.
139. Depositing dust, etc.
140. Discharging sewage, etc.
141. Non-removal of filth, etc.
142. Filthy buildings, etc.
143. Power to enter and inspect, etc., buildings.
144. Abatement of nuisances from wells, etc.
145. Regulation or prohibition of certain kinds of cultivation.
146. Using offensive manure, etc.
147. (1) Tethering cattle, etc.
(2) Keeping swine.
148. Feeding animals on filth.
149. Licences to be taken for burning bricks.
150. Licensing markets, slaughter-houses and certain businesses.
151. Opening, closing and letting of markets and slaughter-houses.
152. Slaughter-houses, etc, beyond municipal limits.
153. (1) Registry for shops for sale of European drugs.
(2) Certificated dispensers.
154. Uncertificated person dispensing drugs.
155. Unwholesome articles of food and drink.
156. False weights and measures and instruments for weighing.
157. (1) Powers which may at any time be exercised.
(4) Penalties for disobedience of an order passed in exercise of such powers.
158. Duties of municipal council in respect of diseases among horses dogs, cattle, sheep, or goats.
159. Proceedings to abate the overcrowding of the interiors of buildings.
160. Closing places for disposal of the dead.
161. Regulation of certain trades.
162. Factories in crowded localities.
163. Use of siren or whistle for summoning or dismissing workmen
164. Use of loud speakers.
165. Brothels.
166. (1) Service of notices, etc., addressed to individuals.
(2) Services of notices, etc., on owners and occupiers of buidings and lands.
(3) Public and general notices how to be published.
(4) Defective form not to invalidate notice or bill.
(5) Execution of acts required to be done by any notice.

167. Punishment for disobedience of orders and notices not punishable under any other section.
168. (1) Municipal council in default of owner or occupier may execute work and recover expense.
(2) Power to levy charges on occupier who may deduct the same from his rent.
(3) Occupiers not to be liable for more than the amount of rent due.
169. Occupier in default of owner, may execute works and deduct expenses from his rent.
170. Proceedings, if any, occupier opposes the execution of the Act.
171. Entry for purposes of the Act.
172. Determination of compensation in certain cases.
173. Costs or expenses how determined and recovered.

CHAPTER X.

PROSECUTIONS, SUITS AND POWERS OF POLICE.

174. (1) Municipal council may prosecute.
(2) Jurisdiction of magistrate.
175. Imprisonment in default of payment and recovery and payment of fines.
176. Power to compound offences.
177. Limitation for distraint, etc.
178. Distress lawful though defective in form.
179. Damage to municipal property how made good.
180. Alternative procedure by suit.
181. Power of compromise.
182. Assistance for the recovery of rent on land.
183. Limitation of suits, etc.
184. Power of police officers.

CHAPTER XI.

MUNICIPAL ACCOUNTS AND ADMINISTRATION REPORTS.

185. Prohibition of expenditure not budgeted for.
186. (1) Presentation of accounts.
(2) Budget estimate.
187. Revision of budget.
188. Maintenance of accounts and restrictions on expenditure.
189. Audit of accounts.
190. Powers of Government Auditor.
191. (1) Duties of Government auditor.
(2) Municipal council to remedy defects.
192. Disallowance by Government Auditor and order by Deputy Commissioner.

193. Appeal from order of Deputy Commissioner.
194. Recovery of amounts disallowed.
195. Transmission of accounts to Government.
196. Annual administration report.

CHAPTER XII.

CONTROL.

197. Commissioner's powers of inspection and supervision.
198. Deputy Commissioner's power of inspection of offices of municipal councils.
199. (1) Deputy Commissioner's power of suspending execution of order, etc., of municipal councils.
(2) Deputy Commissioner's order to be reported to Government who may confirm or modify it.
200. Extraordinary powers of Deputy Commissioner in case of emergency.
201. Agency for execution of public works.
202. Special provision in regard to works executed by Government.
203. Government inquiry into municipal matters.
204. (1) Power of Government to prevent extravagance in the employment of establishment.
(2) Government may require any town municipal council to appoint a health officer or an engineer.
205. Power of Government to direct person in custody of municipal fund to pay Government dues.
206. Power of Government to dissolve or supersede municipal council in case of incompetency, default, or abuse of powers.
Consequences of exercise of such power.
Power after enquiry to continue period of supersession.
207. Dis putes between a municipal council and one or more local authorities.
208. Powers of Government to make rules and orders.
209. Power of Government to cancel or modify bye-laws and rules of municipal councils.
210. Delegation of powers by Government.
211. Powers of Government and of the Deputy Commissioners over subordinates.
212. Powers of officers acting for or in default of municipal council and liability of municipal fund.
213. Powers to transfer officers.

CHAPTER XIII.

APPOINTMENT AND POWERS OF EXECUTIVE OFFICERS.

214. Appointment of Executive Officer.
215. Appointment by Government.
216. Municipal council when not to exercise the power.

217. Duties of Executive Officer.
218. Powers of Executive Officer.
219. Executive Officer's powers of appointment and punishment.
220. Executive Officer may make explanations at meetings.

SCHEDULES.

SCHEDULE I.—Maximum rates of taxes other than octroi, taxes on vehicles and animals, tolls, taxes on arts, professions, trades and callings and shop tax.

SCHEDULE II.—Maximum rates of octroi.

SCHEDULE III.—Vehicles, Boats and animals liable to taxation with the maximum rates of taxation.

SCHEDULE IV.—Maximum rates of Tolls payable on entering the municipal limits.

SCHEDULE V.—Maximum rates of Tax on Arts, professions, trades and callings.

SCHEDULE VI.—Maximum rates of tax on shops and other places of business or profession.

SCHEDULE VII.—Form of Notice to be published under section 62 (b).

SCHEDULE VIII.—Form of Notice of transfer to be given when the transfer has been effected by instrument.

SCHEDULE IX.—Form of Notice of transfer to be given when the transfer has taken place otherwise than by instrument.

SCHEDULE X.—Form of Notice of Demand.

SCHEDULE XI.—Form of Warrant.

SCHEDULE XII.—Form of Inventory and Notice.

SCHEDULE XIII.—Purposes for which premises may not under section 161 be used without a license.

(Chapter I—Preliminary)

MYSORE ACT No. XXII OF 1951.

THE MYSORE TOWN MUNICIPALITIES ACT, 1951.

(AS AMENDED BY ACTS I OF 1952, 16 OF 1953 AND 19 OF 1954.)

(Received the assent of His Highness the Maharaja of Mysore on the 27th day of May 1951.)

An Act to consolidate and amend the law relating to the management of municipal affairs in Towns in [1][the State of Mysore except Bellary District].

WHEREAS it is expedient to consolidate and amend the law relating to the management of municipal affairs in Towns in [1][the State of Mysore except Bellary District]; Preamble.

It is hereby enacted as follows :—

CHAPTER I

PRELIMINARY.

1. (1) This Act may be called the Mysore Town Municipalities Act, 1951. Short Title and commencement.

(2) It extends to the [1][whole of the State of Mysore except Bellary District].

(3) This section shall come into force at once and the other provisions of this Act shall come into force on such date as the State Government may, by notification in the *Mysore Gazette*, appoint in this behalf.

2. On this Act coming into force, the Mysore Town Municipalities Act, 1933, and the Mysore Minor Municipalities Act, 1933, shall stand repealed : Repeal of Mysore Acts VIII and IX of 1933.

[2][Provided that—

(*a*) the said repeal shall not affect the validity of anything already done under the said Acts;

(*b*) all appointments, rules, orders and bye-laws made, notifications and notices issued, taxes and rates imposed, contracts entered into and suits and other proceedings instituted under the said Acts or under any Act thereby repealed, shall continue in force and be deemed to have been respectively

1. *See* the Mysore Adaptation of Laws Order, 1953.
2. Substituted by Act I of 1952.

made, issued, imposed, entered into and instituted under this Act, until superseded by or under the provisions of this Act;

(*c*) all minor and town municipal councils constituted, councillors appointed or elected and committees established and presidents and vice-presidents elected or appointed under the said repealed Acts shall exercise the powers and perform the duties conferred by the provisions of this Act on town municipal councils, councillors, committees, presidents and vice-presidents, respectively, until the municipal councils are duly constituted under the provisions of this Act, and on the date of the first meeting of any municipal council after such constitution under this Act, the municipal councils constituted under the repealed enactments shall be deemed to have been dissolved and the presidents and vice-presidents of such municipal councils shall vacate their office on the said date;

(*d*) casual vacancies in the seats of councillors or of members of committees or in the offices of presidents or vice-presidents of municipal councils functioning under clause (*c*), shall, until the municipal councils are duly constituted under the provisions of this Act, be filled and all matters in connection with the filling of such vacancies shall be regulated in accordance with the provisions governing the filling of such vacancies and regulating such matters as were in force immediately before the date of coming into force of this Act;

(*e*) any enactment in force in Mysore, or document referring to any such repealed enactments, shall so far as may be, be construed to refer to this Act or to the corresponding portion thereof.]

Definitions.

3. In this Act, unless there be anything repugnant in the subject or context—

(1) "annual letting value" shall mean the annual rent for which any building or land, exclusive of furniture or machinery contained or situated therein or thereon, might reasonably be expected to be let from year to year;

(2) " building " shall include a house, out-house, stable, latrine, shed, hut, wall, verandah, fixed platform, plinth, doorstep, staircase and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever;

(3) " Commissioner " shall mean the Commissioner for Local Self-Government appointed by the Government;

(4) " councillor " shall mean any person who is legally a member of a municipal council;

(5) " dangerous disease " shall mean cholera, plague, small-pox, and any endemic, epidemic, or infectious disease by which the life of man is endangered and any other disease notified by the Government as a dangerous disease;

(6) " Election Commissioner " shall mean the Subordinate Judge having jurisdiction over the area within which the election has been or should have been held and includes any other Judge specially appointed in this behalf by the Government;

(7) " Government " shall mean the State Government;

(8) " Judge " shall mean District Judge, Judge of a Court of Small Causes, Subordinate Judge or Munsiff;

(9) " land " shall include land which is built upon or covered with water;

(10) " municipal council " shall mean the council of a town municipality;

(11) " municipality " shall mean any local area which, at the commencement of this Act, is a town or minor municipality and any local area which may hereafter be constituted or declared as a town municipality under sections 4 and 5, if such municipality has not ceased to be a town or minor municipality;

(12) " nuisance " shall include any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing, or which is or may be dangerous to life or injurious to health or property;

(13) " occupier " includes any person for the time being paying or liable to pay to the owner, the rent or any portion of the rent of the land or building or part of the same in respect of which the word is used or damages

on account of the occupation of such land, building or part and also a rent-free tenant;

(14) "official year" shall mean the year commencing on the first day of April;

(15) "owner" shall include the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account, or as agent or trustee for any other person or for any society, or for any religious or charitable purposes, or who would so receive the rent if such land or building were let to a tenant:

Provided that no person receiving the rent of any land or building as agent or trustee for another person shall be liable to do anything by this Act required to be done by the owner of such land or building which may involve expenditure on the part of such owner, unless he has funds of, or due to, the owner sufficient to pay for the same; nor shall he be subject to any penalty for omitting to do such act, if he can prove that the default was occasioned by reason of his not having funds of, or due to, the owner sufficient to defray the expense of doing the act required;

(16) "prescribed" means prescribed by any rule by the Government under this Act;

(17) "private street" means any street, road, square, court, alley, passage or riding path, which is not a 'public street,' but does not include a pathway made by the owner of a premises on his own land to secure access to or the convenient use of such premises;

(18) "Public securities" shall mean—

(*a*) securities of the Government of India,

(*b*) securities of the Government of Mysore, or of any other State Government,

(*c*) debentures or other securities for money issued by or on behalf of any local authority in exercise of the powers conferred by a law in force in the State, or

(*d*) a security expressly authorized by any order which the Government makes in this behalf;

(19) "public street" means any street, road, square, court, alley, passage or riding path over which the public

have a right of way, whether a thoroughfare or not and includes—

(*a*) the roadway over any public bridge or causeway ;

(*b*) the footway attached to any such street, public bridge or causeway ;

(*c*) the drains abutting to any such street, public bridge or causeway and the land, whether covered or not by any pavement, verandah, or other structure, which lines on either side of the roadway up to the boundaries of the adjacent property, whether that property is private property or property belonging to the Government or the municipal council ; and

(*d*) any street which, under any provision of this Act, becomes a public street ;

(20) "salaried servant of the Government" shall not include a retired servant of the Government in receipt of a pension, or a person in receipt of a salary from the Government who is not a full-time servant of the Government ;

(21) "tax" shall include any toll, rate, cess, fee or other impost leviable under this Act ;

(22) "vehicle" shall include bicycles, tricycles, automotor cars and every wheeled conveyance which is used or is capable of being used on a public street ;

(23) "whole number" shall mean, when used with reference to the councillors of a municipal council, the total number of councillors holding office at the time.

CHAPTER II.

CONSTITUTION OF MUNICIPAL COUNCILS.

(1) *Municipalities.*

Delimitation of town municipalities.

4. (1) Subject to the provisions of sections 6 and 7, the Government may, from time to time, by notification in the *Mysore Gazette*, declare any local area to be a town municipality, and may, from time to time, by a like notification, extend, contract or otherwise alter the limits of any such municipality, or declare that any local area shall, from a date to be specified in the notification, cease to be a municipality.

Limits to be specified in notifications.

(2) Every such notification constituting a new town municipality, or altering the limits of an existing town municipality, shall clearly set forth the local limits of the area to be included in or excluded from such municipality, as the case may be.

Erection and maintenance of boundary marks.

(3) It shall be the duty of the municipal council in every town municipality in existence at the commencement of this Act and of every town municipal council newly constituted under this Act, and of every town municipal council whose local limits are altered as aforesaid, to cause, at its own cost, to be erected or set up, if and when so required by the Commissioner or the Deputy Commissioner of the District and thereafter to maintain, at its own cost, substantial boundary marks of such description and in such positions as shall be approved by the Commissioner or Deputy Commissioner, defining the limits or the altered limits of the municipality subject to its authority, as set forth in the notification.

Property and rights of municipal council which has ceased to exist to vest in Government.

(4) When any local area ceases to be a municipality, the municipal council constituted therein shall cease to exist, and the property and rights vested in any such municipal council shall, subject to all charges and liabilities affecting the same, vest in the Government, and the proceeds thereof, if any, shall be expended under the orders of the Government for the benefit of the local area in which such municipal council had jurisdiction.

Conversion of city municipalities into town municipalities.

5. (1) The Government may, at any time after consulting the municipal council concerned and considering objections, if any, declare by notification in the *Mysore Gazette* that a city municipality as defined in the Mysore City

Municipalities Act, 1933, shall, with effect from a date to be specified in the notification, be deemed to be a town municipality constituted under this Act and may, at any time, cancel such declaration.

(2) The provisions of the Mysore City Municipalities Act, 1933, shall not apply to any municipality declared as a town municipality under sub-section (1) with effect from the date specified in the declaration.

(3) Any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made, issued or imposed under the Mysore City Municipalities Act, 1933, in respect of a municipality declared as a town municipality, so far as is not inconsistent with the provisions of this Act, and any appointment, notification, order, scheme, rule, bye-law or form made or issued under any other law in respect of such municipality shall continue in force and be deemed to have been made, issued or imposed under the provisions of this Act or of such other law in respect of the town municipality constituted by such declaration unless and until it is superseded by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made or issued under this Act or such other law.

(4) Before any city municipality is constituted into a town municipality, the procedure prescribed in section 7 shall, as far as may be, be followed.

(5) The property, rights and liabilities of the municipal council of a municipality declared as a town municipality under sub-section (1) shall vest in the municipal council of the municipality with effect from the date specified in the notification.

Amalgamation of two contiguous town municipalities.

[1][**5A.** (1) The Government may, at any time after consulting the municipal councils concerned and considering objections, if any, declare by notification in the *Mysore Gazette* that two contiguous town municipalities shall, with effect from the date, and with the name, to be specified in the notification, be amalgamated and be deemed to be a single town municipality constituted under this Act.

(2) Any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form, made,

1. Inserted by Act 16 of 1953.

issued or imposed in respect of the municipalities amalgamated shall continue in force and be deemed to have been made, issued or imposed in respect of the town municipality constituted by the declaration under sub-section (1):

Provided that the Government may, by notification in the *Mysore Gazette*, direct that from the date specified in the declaration under sub-section (1), only such appointments, notifications, notices, taxes, orders, schemes, rules, bye-laws and forms aforesaid shall be applicable to the town municipality constituted by such declaration and only the said appointments, notifications, notices, taxes, orders, schemes, rules, bye-laws and forms shall thereupon continue in force.

(3) The property, rights and liabilities of the Municipal Councils of the municipalities amalgamated and declared to be a single town municipality under sub-section (1) shall vest, in the municipal council of the said single town municipality with effect from the date specified in the notification.

(4) Notwithstanding anything to the contrary contained in this Act,—

(*a*) until the reconstitution of the Municipal Council in accordance with the provisions of this Act,

(i) the amalgamated Municipal Council shall consist of the councillors of the two municipal councils, holding office immediately before the date of amalgamation ;

(ii) the two persons nominated by the Government from among the persons holding the offices of President, and Vice-President of the two town municipal councils immediately before the date of amalgamation, to be the President and Vice-President, respectively, shall be the President and Vice-President of the amalgamated Municipal Council, until the election under sub-clause (i) of clause (*b*),

and shall have all the powers and be subject to all the duties and liabilities of a Municipal Council, President, Vice-President or Councillors, as the case may be, under this Act

(*b*) the Municipal Council as constituted under clause (*a*) shall, at its first meeting after the date of amalgamation,—

(i) elect one of its number to be the President and one of its number other than the President to be the Vice-President, and

(ii) elect members of the committees under section 29;

(*c*) the term of office of the President, Vice-President and Councillors referred to in clauses (*a*) and (*b*) shall, subject to the provisions of sections 14, 15, 16 and 23 [other than sub-section (11)] expire on such dates as the Government may, by notification in the *Mysore Gazette*, specify ;

(*d*) the Government may, by notification in the *Mysore Gazette*, make such provision as appears to it to be necessary or expedient—

(i) for making omissions from, additions to, adaptations and modifications of the rules, bye-laws, notifications and orders referred to in sub-section (2) in their application to the amalgamated municipality ;

(ii) for removing difficulties arising in connection with the working of the amalgamated Municipal Council until its reconstitution in accordance with the provisions of this Act.]

What local areas may be declared to be town municipalities.

6. (1) Any local area which comprises—

(*a*) a town or station or two or more neighbouring towns and stations, with or without any village, suburb, or land, adjoining thereto, or

(*b*) a village or suburb or two or more neighbouring villages and suburbs,

may be declared a town municipality :

Provided that, except for exceptional reasons, which shall be clearly set forth in the proclamation under section 7 and in the notification issued under section 4, it shall not be lawful—

(i) to include any town, station or suburb in a town municipality with any other town, station or suburb from which it is separated by an extent of more than two miles of land unoccupied by houses ; or

(ii) to constitute any town municipality in any area of which the population is less than three thousand. This shall not however apply to any local area or areas of whatever population, declared as a Town or Minor Municipality under the Mysore Town Municipalities Act, 1933, and the Mysore Minor Municipalities Act, 1933.

Naming of municipalities comprising two or more places.

(2) When two or more places bearing different names are formed into one municipality, the name of the municipality shall be determined by the Government.

Town municipalities.

7. (1) Not less than two months before the publication of any notification declaring any local area to be a town municipality, or altering the limits of any such municipality or declaring that any local area shall cease to be a town municipality, the Government shall cause to be published in the *Mysore Gazette*, in English and Kannada, and to be posted up in conspicuous places in the said local area in Kannada, a proclamation announcing that it is proposed to constitute such local area to be a town municipality, or to alter the limits of the municipality in a certain manner, or to declare that such local area shall cease to be a municipality, as the case may be, and requiring all persons who entertain any objection to the said proposal to submit the same, with the reasons therefor, in writing to the Commissioner within two months from the date of the said proclamation, and whenever it is proposed to add to or exclude from a municipality any inhabited area, it shall be the duty of the municipal council also to cause a copy of such proclamation to be posted up in conspicuous places in such area.

(2) The Commissioner shall, with all reasonable despatch, forward every objection so submitted to the Government.

(3) No such notification as aforesaid shall be issued by the Government unless the objections, if any, so submitted are, in its opinion, insufficient or invalid.

(2) *Municipal Councils.*

Constitution and incorporation of town municipal councils.

8. In every municipality, there shall be a municipal council, and every such municipal council shall be a body corporate by the name of "the municipal council of—," and shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

(Chapter II—Constitution of Municipal Councils)

9. (1) The municipal council shall consist of such number of councillors as indicated in the following table :— Constitution of municipal councils.

	Number of Councillors.
Municipalities with a population—	
Not exceeding 10,000 at the last census ...	15
Exceeding 10,000 at the last census ...	20

(2) Subject to the provisions of section 10, all the councillors of every municipality shall be elected. All the Councillors to be elected.

(3) Seats shall be reserved in municipal council for the Scheduled Castes. The number of such seats shall bear, as nearly as may be, the same proportion to the total number of seats in the municipal council as the population of the Scheduled Castes in the municipality bears to the total population in the municipality : Reservation of seats for Scheduled Castes.

Provided that at least one seat shall be reserved in a municipal council for the Scheduled Castes :

Provided further that this sub-section shall cease to have effect after ten years from the commencement of this Act :

Provided further that the second proviso to this sub-section shall not affect any representation in a municipal council until the expiry of the term of office of its members.

(4) Nothing contained in this section shall be deemed to prevent members of the Scheduled Castes for whom seats have been reserved in any municipal council, from standing for election to the non-reserved seats in the council. Members of Scheduled Castes may stand for election to non-reserved seats.

(5) In addition to the councillors referred to in sub-section (1), such persons as from time to time are executing the functions of any office from time to time notified in this behalf by the Government, shall have the right to speak in, and otherwise to take part in the proceedings of the municipal council and any committee of the council, of which they may be named members, but shall not be entitled to move any resolution or to vote. Certain officers notified by the Government to attend meetings and speak.

Appointment by Government when councillor not elected.

10. Any vacancy due to failure to elect the full number of councillors and any vacancy due to failure to elect a councillor under section 18 may, notwithstanding anything contained in this Act, be filled up by appointment by the Government.

Territorial divisions for elections.

11. (1) For the purposes of election of councillors to fill the seats referred to in sub-section (1) of section 9, the municipality shall be divided into 15 or 20 territorial divisions as the case may be, the boundaries of which shall [1][after consultation with the municipal council, be fixed by the Commissioner by notification in the *Mysore Gazette.*]

(2) The Commissioner may, after consultation with the municipal council concerned, by notification in the *Mysore Gazette,* alter the boundaries of any such division.

(3) For each of the territorial divisions, only one councillor shall be elected.

Qualification for enrolment in the electoral roll.

12. (1) Every person of either sex who has attained the age of 21 years in the official year preceding that in which the electoral roll is published and who is not otherwise disqualified under this Act shall be included in the electoral roll as qualified to vote at the election for any of the divisions referred to in sub-section (1) of section 11.

(2) No person shall be included in such electoral roll as qualified to vote at such election unless he has resided in such division for one hundred and eighty days in the aggregate in the official year preceding that in which the electoral roll is published :

Provided that a person shall not be deemed to be disqualified under this sub-section if he is employed in the town municipality and non-residence in the division for the period aforesaid is due to his absence on leave out of the State.

Explanation.—For the purpose of this sub-section, no person shall be deemed to reside in more than one division.

Operation of lists.

13. (1) When, in accordance with the rules made under clause (*b*) of sub-section (2) of section 208, a list of voters has been prepared or revised, a copy thereof signed by such person as may be designated in this behalf in the rules aforesaid, shall be the municipal electoral roll. The electoral roll shall come into force from the date of its

1. Substituted by Act I of 1952.

publication and shall continue in force for a period of four years or for such less period, if any, as the Government may by order direct in any case, and after the expiration of such period, a new electoral roll shall be published:

Provided that—

(*a*) in the case of an election held after an electoral roll has ceased to have force and before the publication of the new electoral roll, the old electoral roll shall continue to operate as the electoral roll;

(*b*) at any time any person whose name is not in the electoral roll and who claims to have it enrolled may apply to the prescribed authority to enter his name therein and the prescribed authority shall enter in the electoral roll the name of every such person whose claim is proved to its satisfaction;

(*c*) the prescribed authority shall at any time expunge from the electoral roll the name of every person proved to its satisfaction to be dead or no longer to possess the qualification of a voter and may likewise correct any clerical error or omission in the electoral roll after affording the person affected an opportunity of being heard;

(*d*) no change in the electoral roll shall be made under provisos (*b*) and (*c*) within one month preceding the date fixed for an election.

Right to vote to depend on entry in roll.

(2) At every election of councillors, every person enrolled in the municipal electoral roll as for the time being in operation under sub-section (1), shall be deemed to be entitled to vote, and every person not so enrolled shall be deemed to be not entitled to vote.

Enrolment in municipal electoral roll necessary for election as councillor.

(3) A person shall not be qualified to be elected as councillor unless he is enrolled in the municipal electoral roll and a person who is already a councillor shall not be qualified to be a candidate at a bye-election held before his term of office as councillor, expires.

(3) *Municipal Councillors.*

General disqualifications for becoming a councillor.

14. (1) (A) No person shall be qualified for being chosen as, and for being, a councillor—

(*a*) (i) who has been sentenced by a criminal court to transportation or to imprisonment for an offence punishable with imprisonment for a term exceeding six months, provided that (1) the offence is not of a political character or is one which involves

moral turpitude, (2) such sentence has not been reversed or quashed or the offence pardoned, or

(ii) against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1904, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or

(iii) who holds any office of profit under the Government of India or the Government of any State specified in the First Schedule to the Constitution of India, or

(iv) who has been dismissed from municipal, district board or Government service,

(v) if, having been a legal practitioner, he has been dismissed or is under suspension by order of a competent court, the disqualification in the latter case being operative during the period of such suspension, or

(vi) who has been removed from office under section 16 of this Act or section 14 of the Mysore City Municipalities Act, 1933, or

(*b*) who is of unsound mind and stands so declared by a competent court, or

(*c*) who is an undischarged insolvent, or

(*d*) who is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgment of allegiance or adherence to a foreign State, or

(*e*) who is less than twenty-five years of age ; and

(B) No person—

(*a*) who is a subordinate officer or servant of a municipal council, district board, panchayet or Government, or

(*b*) who, save as hereinafter provided, has directly or indirectly by himself or his partner any share or interest in any work done by order of a municipal council, or in any contract or employment with or under, or by or on behalf of a municipal council, or

(*c*) who is employed as paid legal practitioner on behalf of a municipal council or accepts employment as legal practitioner against a municipal council,

may be a member of such municipal council :

Provided that—

(*a*) the disqualification in sub-clause (ii) of clause (A)—(*a*) will cease to operate after the expiry of the period during which a person is ordered to furnish security ;

(*b*) the disqualification in sub-clauses (i), (iv) and (vi) of clause (A) (*a*) will cease to operate after the expiry of four years from the date of such sentence, dismissal, or removal or earlier by an order of the Government ;

(*c*) a person shall not be deemed to have incurred disqualification under clause (B) (*b*) by reason of his—

(i) having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same, or

(ii) having a share or interest in any joint-stock company otherwise than as a managing director or agent or in any literary association registered under the Societies Registration Act, 1904, or in any society registered under the Mysore Co-operative Societies Act, 1948, which shall contract with or be employed by, or on behalf of, the municipal council, or

(iii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the municipal council may be inserted, or

(iv) holding a debenture or being otherwise interested in any loan raised by, or on behalf of the municipal council, or

(v) having a share or interest in the occasional sale of any article in which he regularly trades, to the municipal council to a value not exceeding in any one official year, such amount as the municipal council, may fix in this behalf, or

(vi) having a share or interest in the occasional letting out on hire to the municipal council, or in the hiring from the municipal council, of any article for an amount not exceeding in any official year fifty rupees or such higher amount not exceeding five hundred rupees as the municipal council may fix in this behalf.

If any person is elected as a councillor in contravention of these provisions, his seat shall be deemed to be vacant:

Provided that nothing in this section shall invalidate the election if the disqualification is such as could have been brought to the notice of the Returning Officer at the time of or before the scrutiny of the nomination papers and has not been so brought to his notice.

(2) If any councillor during the term for which he has been elected or appointed—

Disabilities from continuing to be a councillor.

(*a*) becomes subject to any disqualification specified in sub-section (1), or

(*b*) votes or takes part as a councillor in the discussion of any matter—

(i) in which he has directly, or indirectly, by himself or his partner, any such share or interest as is described in sub-clauses (i), (ii), (iii) or (v) of clause (c) of the proviso to sub-section (1), whatever may be the value of such share or interest, or

(ii) in which he is professionally interested on behalf of a principal or other person, or

(iii) in which he is engaged at the time in any proceeding against the municipal council, or

(*c*) absents himself from the meetings of the municipal council, during three successive months except with the leave of the municipal council, provided that no such leave shall be granted in case of absence from the meetings of the municipal council during a period exceeding six successive months, or

(*d*) fails to pay any arrears of taxes due by him to the municipal council within three months after a special notice in this behalf has been served upon him,

he shall be disabled from continuing to be a councillor and his office shall become vacant.

A councillor whose office has become vacant under this sub-section shall, if his disability has ceased, be eligible for re-election or re-appointment.

Power of Government to decide whether vacancy has occurred.

(3) If any question or dispute arises whether a vacancy has occurred under this section, the orders of the Government shall be final for the purpose of deciding such question or dispute.

Resignation.

15. A councillor may resign his membership and a vice-president may resign his office as vice-president by giving notice in writing to that effect to the president and such resignation shall take effect from the date of the receipt of the notice. The president may resign his membership or his office as president by giving notice in writing to that effect to the Deputy Commissioner and such resignation shall take effect on the expiry of ten days from the date of the receipt of the notice.

Liability to removal from office.

16. The Government, if it thinks fit on the recommendation of the municipal council, may remove any councillor elected or appointed under this Act, after giving him an opportunity of being heard and after such enquiry as it deems necessary, if such councillor has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a councillor.

Term of office.

17. Councillors elected at a general election or appointed under this Act shall, save as provided in the next following section, or unless they become in the meantime disabled or are removed from office under section 16, or section 206, hold office for a term of four years, extensible by order of the Government to a term not exceeding in the aggregate five years if, on any occasion, the Government shall think fit, for reasons which shall be notified together with the order in the *Mysore Gazette*, so to extend the same.

Casual vacancies how to be filled up.

18. Where a vacancy occurs through the non-acceptance of office by a person elected or appointed to be a councillor, or through such person being disqualified for becoming a councillor, or through any election being set aside under the provisions of sub-section (2) of section 20 or through the death, resignation, removal or disability of a councillor previous to the expiry of his term of office, the vacancy shall be filled up, within a period of three months, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the councillor in whose place he is elected or appointed would have held office if the vacancy had not occurred.

Notification of names of persons elected.

19. The names of persons elected or appointed as the case may be as president, vice-president and councillors of municipal councils shall be notified in the *Mysore Gazette*.

(Chapter II—Constitution of Municipal Councils)

(4) Municipal Elections.

Determination of validity of elections, enquiry by [1][Commissioner] procedure.

20. (1) At any time within ten days after the date of the [1][notification in the *Mysore Gazette* of the name of the person elected as a councillor] any candidate who stood for election or any ten persons qualified to vote at that election, may apply, together with a deposit of fifty rupees as security for costs to the Election Commissioner appointed by the Government in this behalf for the determination of the validity of the election.

(2) The Election Commissioner may, after such enquiry as he deems necessary, and subject to the provisions of sub-section (3), pass an order confirming or amending the declared result of the election, or setting the election aside. For the purpose of the said enquiry, the said Election Commissioner may summon or enforce the attendance of witnesses and compel them to give evidence as if he were a civil court and he may also direct, by whom the whole or any part of the costs of such enquiry shall be paid. If the costs are to be paid by the candidate whose election is contested, the whole of such costs and if the costs are to be paid by the petitioner or petitioners, such portion, if any, of the costs as is in excess of the sum paid at the time of the presentation of the application, shall be recoverable as if it had been awarded in a suit under the Code of Civil Procedure. The Code of Civil Procedure shall, as far as possible, be followed in such enquiries. An appeal shall lie to the High Court from the order of the Election Commissioner, provided it is only on a point of law and is preferred within one month from the date of such order, exclusive of the time requisite for obtaining a copy of the order. If the Election Commissioner sets aside an election, a date shall forthwith be fixed and the necessary steps taken for holding a fresh election.

Declaration in case of corrupt practice by a candidate.

(3) (*a*) The Election Commissioner, if satisfied that a candidate has, within the meaning of sub-section (4), committed any corrupt practice for the purpose of the election, shall declare the candidate disqualified both for the purpose of that election, and of such fresh election as may be held under sub-section (2), and shall set aside the election of such candidate if he has been elected.

---

1. Substituted by Act I of 1952.

(*b*) If in any case to which clause (*a*) does not apply, the validity of an election is in dispute between two or more candidates, the Election Commissioner shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour to have been duly elected : Scrutiny of votes and declaration in other cases.

Provided that, for the purpose of such computation, no vote shall be reckoned as valid if the Election Commissioner finds that any corrupt practice was committed by any person known or unknown, in giving or obtaining it.

(4) A person shall be deemed to have committed a corrupt practice within the meaning of the last preceding sub-section— What is a corrupt practice ?

(*i*) who, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury to any person, or

(*ii*) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote.

And a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election. Candidate when deemed to have committed corrupt practice.

Explanation.—A "promise of individual profit" includes a promise for the benefit of the person himself, or of any one in whom he is interested. It does not include a promise to vote for or against any particular municipal measure. Promise of individual profit.

(5) If the validity of the election is brought in question only on the ground of an error by the officer or officers charged with carrying out the rules made under clause (*b*) of sub-section (2) of section 208 or of an irregularity or informality not corruptly caused, the Election Commissioner shall not set aside the election. Mere irregularities and informalities not to invalidate election.

Explanation.—The expression 'error' in this sub-section does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Act or rules made thereunder whereby the result of election has been materially affected.

Disqualification of candidate for corrupt practice.

(6) If the Election Commissioner sets aside an election under clause (*a*) of sub-section (3) he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section, to be disqualified from being a candidate for the office of a councillor or president or both in that or any other municipality constituted under this Act or the Mysore City Municipalities Act, 1933, or the City of Bangalore Corporation Act, 1949 or for the office of a member or president or vice-president in a District Board or of a member or chairman in a village panchayet for a term of years not exceeding seven and the Election Commissioner's decision shall be conclusive :

Provided that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration should not be made :

Provided further that such person may, by an order which the Government is hereby empowered to make, if it shall think fit, in that behalf, be at any time relieved from such disqualification.

Bar of suits relating to elections, etc.

21. No suit shall be entertained by a civil court in respect of any matter relating to the election, appointment or removal of a councillor, president or vice-president, unless such suit is authorised by the provisions of this Act or any rule made under this Act.

(*5*) *Municipal Government.*

Municipal Government to vest in municipal council.

22. Except as in this Act otherwise expressly provided, the municipal Government of a municipality vests in the municipal council.

(*6*) *Presidents and Vice-Presidents.*

Every municipal council to have a president and if the municipal council so desires a vice-president.

23. (1) For every municipal council, there shall be a president, and if and whenever the municipal council so desires, a vice-president.

President to be elected.

(2) The President shall be elected by the councillors from among their number in accordance with the rules prescribed in this behalf.

(3) The vice-president shall be elected by the councillors from among their number in accordance with the rules prescribed in this behalf. Vice-president to be elected.

(4) If any municipal council fails to elect a president or vice-president within such reasonable time as may be specified in a notice issued by the Government in this behalf, the president or vice-president, as the case may be, may be appointed by the Government. Appointment of president or vice-president by the Government.

(5) During a vacancy in the office of the president of a municipal council and when there is no vice-president to take his place, the Deputy Commissioner or the person performing the duties of the Deputy Commissioner for the time being or any officer nominated by him in this behalf not below the rank of an Assistant Commissioner in the case of municipalities at district headquarters or the Amildar or the person performing the duties of the Amildar for the time being in the case of other municipalities shall, notwithstanding anything contained in this Act or in the rules or notifications issued thereunder, perform the functions of the president. When Deputy Commissioner and Amildar may perform functions of president.

(6) Every president who, for a period exceeding two months and every vice-president who for a period exceeding one month, absents himself from the municipality in such manner as to be unable to perform his duties as such president or vice-president, shall cease to be president or vice-president, unless leave so to absent himself has been granted by the municipal council. Consequence of absence of president or vice-president without leave.

(7) Leave under the last preceding sub-section shall not be granted for a period exceeding six months. Whenever leave is granted to a president and there is no vice-president for the council or the office of the vice-president is vacant, the vacancy shall be filled up by election by the council from among the councillors within such period and in such manner as may be prescribed. If the council fails to elect the president, the Government may fill up the vacancy. When leave is granted to a vice-president or when the vice-president is acting for the president, the vacancy in the office of the vice-president may be filled up by election of some other councillor thereto. Limit of grant of leave and arrangements during leave.

(8) If a vice-president of a municipal council is elected or appointed as president of the council, he shall be deemed to have vacated his office as vice-president. Vacation of office by vice-president on becoming president.

Vacation of office by president and vice-president for want of confidence.

(9) Every president and every vice-president of a municipal council shall forthwith be deemed to have vacated his office if a resolution expressing want of confidence in him is passed by a majority of not less than two-thirds of the whole number of councillors at a special general meeting convened for the purpose:

Provided that no such resolution shall be moved unless notice of the resolution is signed by not less than one-third of the whole number of councillors and at least fifteen dyas' notice has been given of the intention to move the resolution.

Removal of presidents and vice-presidents.

(10) Every president and vice-president shall, after an opportunity is afforded for hearing him, be removable from his office as such president or vice-president by the Government for misconduct in the discharge of his duties or for neglect of or incapacity to perform his duties or if he is unable to pay his debts.

Explanation.—A person may be presumed to be unable to pay his debts if he is under arrest or imprisonment in execution of the decree of any court for the payment of money.

Term of office of president and vice-president.

(11) The term of office of every president and of every vice-president shall, save as otherwise provided in this Act, cease on the expiry of two years from the date of his election, provided that in the meantime he does not cease to be a councillor.

Vacancies in their office how to be filled up.

(12) In the event of the non-acceptance of office, death, resignation or removal from office of a president or vice-president or of his election being void, or of his becoming incapable of acting in such office or having ceased to be a councillor under sub-section (2) of section 14, previous to the expiry of his term of office as president or vice-president, the vacancy shall be filled up by appointment or election, as the case may be, in accordance with the provisions of the foregoing sub-sections. For all the vacancies which are not otherwise provided for, the Government may appoint any person to perform all the duties and exercise all the powers of a president or vice-president during such vacancy.

Remuneration of president and vice-president of municipal council.

(13) The president or vice-president of any municipal council may receive out of the municipal fund such monthly allowances as such municipal council may sanction from time to time with the approval of the Government.

(Chapter II—Constitution of Municipal Councils)

Functions of presidents.

24. (1) Subject to the provisions of chapter XIII, it shall be the duty of the president of a municipal council to—

(*a*) preside, unless prevented by reasonable cause, at all meetings of the municipal council and subject to the provisions of the rules for the time being in force under clause (*a*) of section 46, to regulate the conduct of business at such meetings;

(*b*) watch over the financial and executive administration of the municipal council;

(*c*) perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him under and in accordance with this Act;

(*d*) subject to the provision of section 35 and of the rules for the time being in force, perform such other executive functions as may be performed by or on behalf of the municipal council over which he presides;

(*e*) exercise supervision and control over the acts and proceedings of all officers and servants of the municipal council in matters of executive administration and in matters concerning the accounts and records of the municipal council; and, subject to the rules for the time being in force, to dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances;

(*f*) furnish to the Commissioner or to such other officer as the Commissioner shall from time to time nominate in this behalf, a copy of every resolution passed at any meeting of the municipal council; and

(*g*) furnish any extract from the minutes of the proceedings of the municipal council or of any committee or other document or thing which the Commissioner or the officer authorised by the Commissioner in this behalf from time to time calls for under section 197.

(2) In a municipality for which there is no executive officer, the president shall, notwithstanding anything contained in Chapter XIII and independently of such

executive functions as are allotted to him by, or delegated to him under any other provision of this Act, exercise all the powers that may be exercised by an executive officer in the municipality.

Custody of records.

25. The president shall be responsible for the custody of all records of the municipal council including all papers and documents connected with the proceedings of the council and all the committees, and shall arrange for the performance of such duties relative to the proceedings of the said bodies as they may respectively impose.

Functions of vice-presidents.

26. (1) It shall be the duty of the vice-president of a municipal council to exercise such of the powers and perform such of the duties of the president as the president from time to time delegates to him in accordance with the general or special orders of the Government issued in this behalf.

(2) It shall be the duty of the vice-president—

(*a*) in the absence of the president and unless prevented by reasonable cause, to preside at the meetings of the municipal council, and he shall, when so presiding, exercise the same authority as is vested in the president under clause (*a*) of sub-section (1) of section 24 ; and

(*b*) pending the succession, appointment or election of a president, or during the absence of a president on leave, to exercise the powers and perform the duties of the president.

CHAPTER III.

CONDUCT OF BUSINESS.

(*1*) *Municipal Meetings.*

27. The following provisions shall be observed with respect to the meetings of a municipal council :— Provisions in regard to meetings of a municipal council.

(1) There shall be held an ordinary general meeting in each month for the disposal of general business. It shall be the duty of the president to fix the dates for all ordinary general meetings. Ordinary general meetings.

(2) The president may, whenever he thinks fit, and shall upon the written request of not less than one-third of the whole number of councillors and for a date not more than fifteen days after the presentation of such request, call a special general meeting. If the president fails to call a special general meeting as provided in this sub-section, the vice-president or one-third of the whole number of councillors may call such meeting for a day not more than thirty days after the presentation of such request. Special general meetings.

(3) Seven clear days' notice of an ordinary general meeting, and three clear days' notice or in cases of great urgency, notice of such shorter period as is reasonable of a special general meeting, specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be given to the councillors, and posted up at the municipal office or some other public building in the municipality. The said notice shall include any motion or proposition which a councillor shall have given written notice, not less than ten days previous to the meeting, of his intention to bring forward thereat and, in the case of a special general meeting, any motion or proposition mentioned in any written request made for such meeting : Notice to be given of meetings.

Provided that the motion or proposition of which a councillor or councillors shall have given notice shall relate to matters connected with the municipal administration and shall not be inconsistent with the provisions of this Act.

Meetings to be held at municipal office.

(4) Every meeting of a municipal council shall, except for reasons to be specified in the notice convening the meeting, be held in the building used as a municipal office by such municipal council.

Meeting how presided over in the absence of the president and vice-president.

(5) Every meeting shall, in the absence of both the president and the vice-president, be presided over by such one of the councillors present as may be chosen by the meeting to be chairman for the occasion, and such chairman shall exercise thereat the powers vested in the president by clause (*a*) of sub-section (1) of section 24.

Meeting must ordinarily be open to the public.

(6) Every meeting shall be open to the public unless the presiding authority deems any enquiry or deliberation pending before the municipal council such as should be held in private:

Provided that the said authority may at any time cause any person to be removed who interrupts the proceedings.

Number of councillors required to form a quorum.

(7) If less than one-third of the whole number of councillors be present at a meeting at any time from the beginning to the end thereof, the presiding authority shall, after waiting for thirty minutes, adjourn the meeting to such hour on the following or some other future day as he may reasonably fix, and a notice of such adjournment shall be fixed up in the municipal office, and the business which should have been brought before the original meeting had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting, provided that not less than one-fourth of the whole number of councillors be present. Any subject not disposed of at such an adjourned meeting shall be deemed to have lapsed and may be brought up before the next ordinary general meeting, or if necessary or expedient, at a special general meeting.

Business to be transacted at meetings, and order of business how to be settled.

(8) Except with the permission of the presiding authority, which permission shall not be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof, no business shall be transacted and no proposition shall be discussed at any general meeting unless it has been mentioned in the notice convening such meeting, or in the case of a special general meeting in the written request for such meeting. The order in which any business or proposition shall be brought forward at such meeting, shall be determined by the presiding authority, who in case it is proposed

by any member to give priority to any particular item of such business, or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

Minutes of proceedings to be kept.

(9) There shall be kept in Kannada, and if the municipal council so resolves in English, either in lieu of or in addition to Kannada, minutes of the names of the councillors and of the Government officers, if any, present under the provisions of sub-section (16), and of the proceedings at each general meeting, in a book to be provided for this purpose, which shall be signed, by the presiding authority of such meeting, and shall at all reasonable times be open to inspection by any voter of the municipality.

All questions must be decided by a majority of votes.

(10) All questions shall be decided by a majority of votes of the councillors present and voting, the presiding authority having a second or casting vote in all cases of equality of votes. Votes shall be taken and results recorded in such manner as may be prescribed by rules in that behalf for the time being in force under clause (*a*) of section 46.

Councillor not to vote on questions in which he has pecuniary interest.

(11) No councillor shall vote on, or take part in the discussion of, any question coming up for consideration at a meeting of the council if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary personal interest.

Presiding authority to vacate the chair when he has pecuniary interest in any matter under discussion.

(12) If the presiding authority is believed by any councillor present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion, or vote on or take part in it. Any other councillor may be chosen or elected to preside at the meeting during the continuance of such discussion.

Adjournments of meetings.

(13) Any general meeting may, with the consent of a majority of the councillors present, be adjourned from time to time to a later hour on the same day or to any other day; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

A notice of such adjournment posted in the municipal office shall be deemed sufficient notice of the adjourned meeting.

Modification and cancellation of resolutions.

(14) No resolution of a municipal council shall be modified or cancelled within three months after the passing thereof, except by a resolution passed by not less than one-half of the whole number of councillors at a general meeting, whereof notice shall have been given, fulfilling the requirements of sub-section (3) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting, and the motion or proposition for the modification or cancellation of such resolution.

Notice of business to be transacted must in certain cases be given to the Government Executive Engineer.

(15) Except for reasons which the presiding authority deems emergent, no business relating to any work which is being executed for the municipal council by a Government Executive Engineer, shall be transacted at any meeting of a municipal council unless a letter has been addressed to the said Executive Engineer informing him of the intention to transact such business thereat, and of the motions or propositions to be brought forward concerning such business.

Certain Government officers may attend meetings of municipal councils.

(16) (*a*) The Executive Engineer, the principal officer of health in the district and any other officer approved and notified by the Government in this behalf, may be present at any meeting of such municipal council and, with the consent of the municipal council, each of them may take part at such meeting in the discussion or consideration of any question, on which, in virtue of the duties of his office, he considers his opinion or the information which he can supply will be useful to such municipal council :

Provided that the said officers shall not be entitled to vote upon any such question.

Municipal council may require the presence of certain of the said officers at their meetings.

(*b*) If it shall appear to a municipal council that the presence of the Executive Engineer or the principal officer of health in the district or any other officer approved and notified by the Government in this behalf, is desirable for the purpose aforesaid at any future meeting of such municipal council, it shall be competent to such municipal council, by letter addressed to such officer not less than fifteen days previous to the intended meeting, to require his presence thereat ; and the said officer, unless prevented by sickness or other reasonable cause, shall be bound to attend such meeting :

Provided that such officer on receipt of such letter may, if unable to be present himself, instruct a deputy or assistant or other competent subordinate as to his views and

may send him to the meeting as his representative, instead of appearing thereat in person.

Explanation.—The term " Executive Engineer " in sub-sections (15) and (16) of this section includes the principal engineering officer in the taluk or the district.

Rights and privileges of individual councillors.

28. (1) Any councillor may call the attention of the proper authority to any neglect in the execution of municipal work, to any waste of municipal property or the wants of any locality, and may suggest any improvements which he considers desirable.

(2) Every councillor shall have the right to interpellate the president and to move resolutions on matters connected with the municipal administration, subject to such rules as may be framed by the Government.

(3) Every councillor shall have access to the records of the municipal council after giving due notice to the president, provided that the president may, for reasons given in writing, forbid such access.

(2) *Committees.*

Committees.

29. The municipal council may constitute committees for the purpose of exercising such powers, discharging such duties or performing such functions as it may delegate to them; or may appoint individual councillors or committees, to inquire into and report or advise on any matters which it may refer to them.

When persons other than councillors may serve on committees.

30. Notwithstanding anything contained in this Act, it shall be lawful for the municipal council from time to time, by a resolution supported by not less than one-half of the whole number of councillors, to appoint, as members of any committee under section 29, any persons who are not councillors, but who may, in the opinion of such municipal council, possess special qualifications for serving on such committees, provided that the number of persons so appointed on any committee shall not exceed one-half of the total number of the members of such committee.

Duties, etc., of such persons.

All the provisions of this Act relating to the duties, powers, liabilities, disqualifications and disabilities of councillors shall be applicable so far as may be to such persons.

When Chairman to be *ex-officio*.

31. (1) The president, if a member of any committee, shall be *ex-officio* chairman thereof.

(2) The vice-president, if appointed a member of any committee of which the president is not a member, shall be *ex-officio* chairman thereof.

When no *ex-officio* chairman, municipal council may appoint chairman.

(3) The municipal council may appoint a chairman for every committee of which there is no *ex-officio* chairman.

When *ex-officio* or appointed chairman does not attend meeting, committee may appoint chairman of meeting.

(4) Every committee, of which there is an *ex-officio* chairman or a chairman appointed by the municipal council shall, at each meeting which such chairman does not attend, appoint from its members a chairman for such meeting.

If there is no chairman, *ex-officio* or appointed by the municipal council.

(5) Every committee of which there is no *ex-officio* chairman or chairman appointed by the municipal council, shall appoint from time to time a chairman from among its members.

Procedure at meetings.

32. (1) The provisions of sub-sections (4), (9), (10) and (16) of section 27 shall be complied with in all proceedings of committees as if meetings of committees were included in all references to meetings of a municipal council contained in those provisions and as if for the words "municipal council" where they occur in the proviso to clause (*a*) of sub-section (16) of section 27, there were substituted the word "committee".

If the chairman of any committee has been absent from the municipality for a period exceeding fifteen days, the president or vice-president may, in his absence, call a meeting thereof:

Provided that, notwithstanding anything to the contrary contained in sub-section (9) of section 27, committees may record their proceedings either in English or in Kannada as they may think fit.

(2) Committees may meet and adjourn as they think proper, but the chairman of a committee may, whenever he thinks fit, and shall, upon the written request of the president of the municipal council or of not less than two members of the committee, and for a date not more than two days after the presentation of such request, call a special meeting of such committee. Committees shall meet when they think proper.

(3) No business shall be transacted at any committee meeting unless more than one-third of the members of the committee be present thereat. Number of members required to form quorum at committee meetings.

33. (1) Notwithstanding anything contained in the preceding section, the chairman of a committee may, instead of convening a meeting, circulate a written proposition of his own, or of any other member of the committee or of an executive officer of the municipal council, for the observation and votes of the members of the committee. Procedure by circular.

(2) Previous to circulating any such proposition as aforesaid, the chairman may, if he thinks fit, and, if the business to which it relates is of the nature described in sub-section (15) of section 27, shall obtain thereupon the remarks, if any, which any Government officer, not a councillor, whose presence the municipal council would be entitled to require under the provisions of clause (*b*) of sub-section (16) of section 27, desires to record. Propositions when to be sent to Government officers for remarks.

(3) The decision on any proposition so circulated shall be in accordance with the majority of votes of the members of the committee who vote upon it, unless a special meeting is convened to consider the said proposition. Decisions how to be taken on propositions circulated ;

(4) Every decision arrived at by the committee under this section shall be recorded in the minute-book. and how to be recorded.

34. (1) Every committee shall conform to any instructions that may from time to time be given to it by the municipal council ; the municipal council may, at any time, call for any extract from any proceedings of any committee, and for any return, statement or account or report concerning or connected with any matter with which any committee has been authorised or directed to deal, and every such requisition shall, without unreasonable delay, be complied with by the committee so called upon. Subordination of committees to instructions of municipal council and compliance with requisitions of municipal council.

Orders subject to revision and appeal.

(2) Every order passed by a committee appointed under section 29 shall be subject to revision by, and open to appeal to, the municipal council in accordance with rules that may be framed by the municipal council in this behalf.

(3) Delegation of powers to individuals.

Powers, duties and functions may be delegated to officers whose expenses may be paid.

35. Any powers or duties or executive functions which may be exercised or performed by or on behalf of the municipal council may be delegated, in accordance with rules to be made by the municipal council in this behalf, to the president or to the vice-president, or to the chairman of any committee, or to one or more stipendiary or honorary officers, but without prejudice to any powers that may have been conferred on any committee by or under section 29; and each person, who exercises any power or performs any duty or function so delegated, may be paid all expenses necessarily incurred by him therein.

(4) Validity of Proceedings.

Acts and proceedings of municipal council and committees not vitiated by disqualifications, etc., of members thereof.

36. (1) No disqualification of, or defect in the election or appointment of, any person acting as councillor, or as the president or presiding authority of a general meeting or as chairman of a committee appointed under this Act, shall be deemed to vitiate any act or proceeding of the municipal council or of any such committee, as the case may be, in which such person has taken part, whenever the majority of persons, parties to such act or proceeding, were entitled to act.

No resolution of a municipal council or any committee appointed under this Act shall be deemed invalid on account of any irregularity in the service of notice upon any councillor or member, provided that the proceedings of the municipal council or committee were not prejudicially affected by such irregularity.

Proceedings of meetings to be good and valid, until the contrary is proved.

(2) Until the contrary is proved, every meeting of the municipal council or of a committee appointed under this Act, in respect of the proceedings whereof a minute has been made and signed in accordance with this Act, shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are the proceedings of a committee, such committee shall be

deemed to have been duly constituted and to have had the power to deal with the matters referred to in the minute.

(3) During any vacancy in a municipal council or committee, the continuing councillors or members may act as if no vacancy had occurred.

Vacancy not to affect municipal council's proceedings.

(5) *Joint transactions with other Bodies.*

37. A municipal council may, from time to time, join with any other municipal council constituted under this Act or under the Mysore City Municipalities Act, 1933, or with any district board, or with more than one such municipal council or board,

Joint committees of two or more municipal councils.

(*i*) in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of such committee ;

(*ii*) in delegating to any such committee, power to frame terms binding on each such body as to the construction and future maintenance of any joint work and any power which might be exercised by either or any of such bodies ; and

(*iii*) in framing and modifying rules for regulating the proceedings of any such committee relating to the purpose for which the committee is appointed.

If any difference of opinion arises between local bodies acting under this section, the decision thereupon of the Government or of such officer as it appoints in this behalf shall be final.

(6) *Contracts.*

38. (1) Every municipal council shall be competent subject to the restrictions contained in sub-section (2), to lease, sell or otherwise transfer any movable or immovable property which may, for the purposes of this Act, have become vested in or been acquired by it, and, so far as is not inconsistent with the provisions and purposes of this Act, to enter into and perform all such contracts as it may consider necessary or expedient in order to carry into effect the said provisions and purposes.

Competency of municipal council to lease, sell and contract.

Subject in certain cases to sanction of Government.

(2) In the case of every free grant of immovable property whatever may be its value or of every grant for an upset price and of every lease for a term exceeding ten years, and of every sale or other transfer of immovable property exceeding two thousand rupees in value, the previous sanction of the Government is required :

Provided that such sanction shall be presumed to have been accorded unless it is refused within a period of three months from the date of receipt by the Government of the recommendation of the municipal council.

Sanction by resolution at general meeting requisite to validity of certain contracts.

(3) In the case—

(*a*) of a lease for a period exceeding one year or of a sale or other transfer, or contract for the purchase of any immovable property,

(*b*) of every contract which will involve expenditure not covered by a budget grant,

(*c*) of every contract the performance of which cannot be completed within the official year current at the date of the contract,

the sanction of the municipal council by a resolution passed at a general meeting is required.

Sanction of municipal council when requisite in other cases.

(4) In the case of a contract for the purchase of moveable property, or for the sale of any movable property belonging to a municipal council, if the expenditure which the purchase would involve, or the value of the property to be sold as estimated in the municipal accounts exceeds one thousand rupees, the sanction of the municipal council is required.

When tenders should be invited.

(5) Before any contract for the supply of materials or goods or for the execution of any work which will involve an expenditure exceeding five hundred rupees is entered into, tenders shall be publicly invited in such manner as may, from time to time, be determined by the municipal council from persons willing to enter into such contract and, when the estimated value exceeds ten thousand rupees, no such contract shall be entered into without the previous approval of the Government or of an officer duly authorised by the Government in this behalf.

Sanction by committees and individuals empowered.

(6) In the case of every contract not otherwise provided for in the preceding sub-sections of this section, the sanction of such committee, or of such individual as under the provisions of this Act or of the rules for the time

being in force thereunder, is empowered in this behalf, is required.

Mode of executing contracts.

(7) Every contract entered into by or on behalf of a municipal council, other than a contract to which sub-section (6) applies, shall be in writing, and shall be signed by the president or vice-president and two other councillors, and shall be sealed with the common seal of the municipal council. Every contract to which sub-section (6) applies shall be executed by the chairman of such committee or by such other individual, as is empowered in that behalf, in such manner and form as according to the law for the time being in force, would bind such chairman or individual if such contract were executed by him on his own behalf.

Invalidity of contracts unless requirements of this section are fulfilled.

(8) No contract shall be binding on a municipal council unless the requirement of this section shall have been complied with.

(9) The provisions of this section shall be subject to the provisions of section 52 and Chapter XII.

Contracts by officers appointed by Government to execute municipal works and payment for such works.

39. Notwithstanding anything contained in the last preceding section, any person appointed by the Government to carry any work into execution on behalf of a municipal council may, subject to such control as the Government may prescribe, make such contracts as are necessary for the purpose of carrying such works into execution, to the extent of the sum provided for such work; and the municipal council shall pay to the person so appointed such sums as may be required for the said purpose, to the extent aforesaid.

(7) *Compulsory acquisition of land.*

Acquisition of land.

40. When any land, whether within or without the limits of the municipality, is required for the purposes of this Act, the Government may, at the request of the municipal council, proceed to acquire it under the provisions of the Mysore Land Acquisition Act, 1894, and, on payment by the municipal council, of the compensation awarded under the Act and of any other charges incurred by the Government in connection with the acquisition the land shall vest in the municipal council.

(8) *Liabilities of councillors, officers and servants.*

Municipal fund ordinarily liable for all costs and expenses incurred by municipal councils.

41. (1) Except as herein otherwise provided, no president or councillor shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of, the municipal council; the municipal fund shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses.

Liability of president, vice-president and members for loss, waste or misapplication.

(2) Every councillor shall be liable for the misapplication of any money or other property owned by or vested in the municipal council, to which he has been a party and for any loss or waste of such money or property which has been caused or facilitated by his misconduct. The president, the vice-president, the executive officer or other officer or person to whom executive powers are delegated or on whom such powers are conferred by or under this Act shall be liable for such loss, waste or misapplication, if it is a direct consequence of his neglect or has been caused or facilitated by his misconduct.

Officer or servant of any municipal council not to be interested in any contract with such municipal council.

42. (1) Any person who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by or on behalf of, a municipal council, or in any employment with, under, by, or on behalf of, a municipal council other than as a municipal officer or servant, shall be disqualified for being an officer or servant of such municipal council.

Effect of acquiring such interest.

(2) Any municipal officer or servant who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract or employment as aforesaid, shall cease to be a municipal officer or servant and his office shall become vacant.

Saving clause.

(3) Nothing in this section shall apply to any such share or interest in any contract or employment with, under, by, or on behalf of, a municipal council as, under sub-clauses (i), (ii) and (iv) of clause (*c*) of the proviso to sub-section (1) of section 14, it is permissible for a person to have, without his being thereby disqualified for being a councillor.

Penalty for councillor, officer or servant of a municipal council being interested in any contract, etc., with that municipal council.

43. (*a*) Any councillor who knowingly acquires, directly or indirectly, any share or interest in any contract or employment with, under, by, or on behalf of, a municipal council of which he is a member, not being a share or interest such as, under section 14, it is permissible for a person to have, without being thereby disqualified for being a councillor, and

(*b*) any municipal officer or servant who knowingly acquires, directly or indirectly, any share or interest in any contract, or except in so far as concerns his own employment as municipal officer or servant, in any employment with, under, by, or on behalf of, a municipal council of which he is an officer or servant, not being a share or interest such as under sub-clauses (i), (ii) and (iv) of clause (*c*) of the proviso to sub-section (1) of section 14, it is permissible for a person to have, without being thereby disqualified for being a councillor,

shall be liable, on conviction before a criminal court, to a fine which may extend to five hundred rupees.

Notice to sweepers and scavengers before discharge.

44. In the absence of a written contract to the contrary, every sweeper or scavenger employed by the municipal council shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged by the municipal council for misconduct or was engaged for a specified term and discharged at the end of it.

Councillors, etc., to be deemed public servants.

45. (1) Every councillor, officer or servant of a municipality, every auditor appointed under section 189 and every lessee of the levy of any municipal tax, and every servant or other person employed by any such lessees shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

(2) The word "Government" in the definition of "legal remuneration" in section 161 of that Code shall, for the purposes of sub-section (1) of this section, be deemed to include a municipal council.

CHAPTER IV.

RULES AND BYE-LAWS.

Government to make rules.

46. (1) The Government shall, as soon as may be, make rules, not inconsistent with this Act,—

Regulating the conduct of business.

(*a*) regulating the conduct of business and the delegation of any of the powers or duties and the appointment and constitution of committees of a municipal council;

Fixing the functions of the president and the establishment.

(*b*) (i) determining the executive functions to be performed by the president, vice-president, the chairman of any committee, or the executive officer and the delegation of any of its powers or duties to such persons;

(ii) determining the staff, of officers and servants to be employed by the municipal council and the respective designations, duties, salaries, fees and absentee or other allowances of such officers and servants, and the powers and duties delegated to them under section 35;

For general guidance of municipal servants.

(*c*) generally for the guidance of the officers and servants of a municipality in all matters relating to its administration;

Fixing the amount of the security to be furnished;

(*d*) fixing the amount and nature of the security to be furnished by any officer or servant from whom it may be deemed expedient to require security;

Determining mode of appointing, etc., municipal servants; delegating power to appoint, etc.

(*e*) determining the mode and conditions of appointing, punishing or dismissing any officer or servant, and delegating to officers designated in the rules the power to appoint, fine, reduce, suspend or dismiss any officer or servant;

Granting leave to municipal servants;

(*f*) regulating the grant of leave to officers or servants, and fixing the remuneration to be paid to the persons, if any, appointed to act for them whilst on leave;

Contributing to provident funds.

(*g*) authorising the payment of contributions, at such rates and subject to such conditions as may be prescribed in such rules, to any pension or provident fund which may be established by the municipal council or with the approval of the municipal council by the said officers and servants;

(*h*) prescribing, subject to the provisions of Chapter VII, the taxes to be levied in the municipality for municipal purposes, the circumstances in which exemption will be allowed, the conditions on which and the extent to which remissions may be granted, and the system on which refunds are to be allowed and paid, in respect of such taxes and the fees to be charged for licences or permissions granted under section 80, and the times at which and the mode in which the same shall be levied or recovered or shall be payable, and prescribing the fees for notices demanding payments due on account of any tax, and for the execution of warrants of distress, and the rates to be charged for maintaining any live-stock distrained, and designating the persons authorised to receive payment of any sums so leviable and the manner in which auctions of movable property under section 94, shall be held ; Prescribing the taxes, etc., to be levied for municipal purposes.

(*i*) prescribing the conditions subject to which sums due on account of any tax or of costs in recovering any tax or on any other account may be written off as irrecoverable, and the conditions subject to which the whole or any part of any fee chargeable for distress may be remitted ; For writing off amounts due and remitting fees.

(2) Every municipal council shall, subject to such modifications as it deems fit, adopt the rules made under sub-section (1), and may from time to time make amendments therein :

Provided that the making of amendments in the rules shall not have effect unless and until it has been approved by the Government.

(3) Notwithstanding anything contained in this section, the rules in force in any municipality on the date of commencement of this Act, shall continue in force until superseded by rules made and adopted under sub-sections (1) and (2).

47. (1) Subject to the requirements of proviso to sub-section (2) of section 46, every municipal council may, except as otherwise provided in clause (*b*) of the proviso to section 83, at any time for any sufficient reason suspend, modify or abolish any existing tax by suspending, altering or rescinding any rule prescribing such tax. Power to suspend, reduce or abolish any existing tax.

(2) The provisions of Chapter VII relating to the imposition of taxes shall apply so far as may be to the suspension, modification or abolition of any tax and to the suspension, alteration or rescission of any rule prescribing a tax.

Government to make bye-laws.

48. (1) The Government shall, as soon as may be, make bye-laws not inconsistent with this Act,--

For markets and slaughter-houses, etc.

(*a*) for the regulation and inspection of markets, all public places used for the sale of articles and slaughter houses and all places used by or for animals which are for sale or hire, or the produce of which is sold, and for the proper and clean conduct of business therein; for regulating the sale of fruit, flowers and vegetables in the municipal markets or other specified places; and for fixing the rents and other charges to be levied for the use of any of them which belong to the municipal council;

For licensing, regulating and inspecting certain businesses.

(*b*) prescribing the conditions on or subject to which, and the circumstances in which, and the areas or localities in respect of which, licences may be granted, refused, suspended or withdrawn for the use of any place not belonging to the municipal council—

(i) as a slaughter-house;

(ii) as a market or shop for the sale of animals intended for human food, or of meat, or of fish or as a market for the sale of fruit or vegetables;

(iii) for any of the purposes mentioned in section 161;

(iv) as a dairy, hotel, restaurant, eating house, coffee-house, sweetmeat shop, bakery, boarding house, or lodging house, (other than a students' hostel under public or recognised control) or for manufacturing ice or ærated waters;

(v) as a place for the preparation or manufacture of oil; or

(vi) for any other purpose for which the taking out of a licence is or may be prescribed;

and providing for the inspection and regulation of the conduct of business in any place used as aforesaid, so as to secure cleanliness therein or to minimise any injurious, offensive, or dangerous effect arising or likely to arise therefrom;

Regulating the stalling of cattle, etc.

(*c*) prohibiting the stalling or herding of horses, camels, cattle, donkeys, pigs, sheep or goats, otherwise than in accordance with such terms prescribed in such bye-laws in regard to the number thereof and the places to be used for the purpose, as may be necessary to prevent danger to the public health;

(*h*) prescribing, subject to the provisions of Chapter VII, the taxes to be levied in the municipality for municipal purposes, the circumstances in which exemption will be allowed, the conditions on which and the extent to which remissions may be granted, and the system on which refunds are to be allowed and paid, in respect of such taxes and the fees to be charged for licences or permissions granted under section 80, and the times at which and the mode in which the same shall be levied or recovered or shall be payable, and prescribing the fees for notices demanding payments due on account of any tax, and for the execution of warrants of distress, and the rates to be charged for maintaining any live-stock distrained, and designating the persons authorised to receive payment of any sums so leviable and the manner in which auctions of movable property under section 94, shall be held ; Prescribing the taxes, etc., to be levied for municipal purposes.

(*i*) prescribing the conditions subject to which sums due on account of any tax or of costs in recovering any tax or on any other account may be written off as irrecoverable, and the conditions subject to which the whole or any part of any fee chargeable for distress may be remitted ; For writing off amounts due and remitting fees.

(2) Every municipal council shall, subject to such modifications as it deems fit, adopt the rules made under sub-section (1), and may from time to time make amendments therein :

Provided that the making of amendments in the rules shall not have effect unless and until it has been approved by the Government.

(3) Notwithstanding anything contained in this section, the rules in force in any municipality on the date of commencement of this Act, shall continue in force until superseded by rules made and adopted under sub-sections (1) and (2).

47. (1) Subject to the requirements of proviso to sub-section (2) of section 46, every municipal council may, except as otherwise provided in clause (*b*) of the proviso to section 83, at any time for any sufficient reason suspend, modify or abolish any existing tax by suspending, altering or rescinding any rule prescribing such tax. Power to suspend, reduce or abolish any existing tax.

(2) The provisions of Chapter VII relating to the imposition of taxes shall apply so far as may be to the suspension, modification or abolition of any tax and to the suspension, alteration or rescission of any rule prescribing a tax.

(*d*) (i) for the inspection of milch-cattle; and prescribing and regulating the construction, dimensions, ventilation, lighting, cleansing, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairymen or milk-sellers; — For regulating dairies and cattle sheds.

(ii) for securing the cleanliness of milk stores, milk shops and vessels used by milk-sellers or buttermen for milk or butter; — Milk-stores, etc.

(*e*) for the inspection of instruments for weighing and weights and measures under section 156; — For inspection of weights and measures.

(*f*) for the registration of births, deaths and marriages, and the taking of statistics within the municipality and for enforcing the supply of such information as may be necessary to make such registration or statistics effective; — For the registration of births, etc.

(*g*) regulating the disposal of the dead and the maintenance of all places for the disposal of the dead in good order and in a safe sanitary condition, due regard being had to the religious usages of the community or section of the community entitled to the use of such places for the disposal of the dead; — Regulating the disposal of the dead.

(*h*) for enforcing the supply of information as to any cases of dangerous disease, and carrying out the provisions of sections 157 and 158. — For enforcing information as to epidemics.

(*i*) for enforcing the supply of such information by inhabitants of the municipality as may be necessary to ascertain their respective liabilities to any tax imposed therein; — For enforcing information as to liability to municipal taxation.

(*j*) for the numbering and registration of any vehicle liable to taxation under this Act;

(*k*) fixing octroi limits and stations; providing for the exhibition of tables of octroi; requiring a licence to be obtained for the sale of any article liable to octroi and prescribing the conditions on or subject to which such licence may be granted, refused, suspended or withdrawn, regulating, subject to any general or special orders which the Government may make in this behalf, the system under which refunds are to be made on account thereof when the animals or goods on which the octroi has been paid, or articles manufactured wholly or in part from such animals or goods, are again exported and the custody — Octroi bye-laws.

or storage of animals or goods declared not to be intended for use or consumption or for sale within the municipality ; and prescribing a period of limitation after which no claim for refund of octroi shall be entertained, and the minimum amount for which any claim to refund may be made;

For protecting water.

(*l*) for conserving and preventing injury to sources and means of water supply and appliances for the distribution of water whether within or without the limits of the municipality ; and regulating all matters and things connected with the supply and use of water and the turning on or turning off and preventing the waste of water, and the construction, maintenance and control of municipal water-works and of pipes and fittings in connection therewith, whether the property of the municipal council or not ;

Explanation.—Sources and means of water-supply shall include private wells which are used by the public.

Regulating public baths, etc.

(*m*) regulating the use of public bathing and washing places within municipal limits ;

For conservancy.

(*n*) regulating sanitation and conservancy ;

For constructing houses for the poor.

(*o*) regulating the conditions for the construction, use and disposal of houses intended for the poor under clause (*c*) of section 58 ;

For the disposal of carcasses.

(*p*) regulating the disposal of carcasses of dead animals ;

Regulating structures and buildings.

(*q*) regulating the conditions on which permission may be given for the temporary occupation of, or the erection of, temporary structures on public streets or for projections over public streets, and regulating the structure and dimensions of plinths, walls, foundations, floors, roofs and chimneys of new buildings, for the purpose of securing stability and the prevention of fires, and for purposes of health ;

For regulating construction or use of build-

(*r*) regulating the erection or use of buildings for grain shops or grain stores and regulating the use of sites for erection of buildings and regulating in localities intended for residential purposes, the erection or use of buildings for shops, market places, manufactories, places of public resort or for any other purpose.

(*s*) for preventing the erection of the buildings without adequate provision being made for the laying out and location of streets; For providing streets.

(*t*) for ensuring the adequate ventilation of buildings by the provision and maintenance of sufficient open space either internal or external and of doors and windows and other means for securing a free circulation of air; For ensuring ventilation.

(*u*) regulating, in any other particular not specifically provided for in this Act, the construction, maintenance and control of drains, sewers, ventilation shafts, receptacles for dung and manure, cesspools, water closets, privies, latrines, urinals, and drainage or sewerage works of every description, whether the property of the municipal council or not; Control of drains.

(*v*) determining the information and plans to be required by the municipal council under section 112; Requiring information and plans in certain cases.

(*w*) prohibiting the transit of any vehicles of such form, construction, weight or size, or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or to any construction thereon, or risk or obstruction to other vehicles or to pedestrians, along or over any street, except under such conditions as to time, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions as may be prescribed, either generally in such bye-laws or in special licences to be granted in each case upon such terms as to time of application and payment of fees therefor as may be prescribed in such bye-laws: For controlling unwieldy traffic.

Provided that no such bye-law relating only to any particular street or portion of a street shall be deemed to be in force, unless and until notices of such prohibition shall have been posted up by the municipal council in conspicuous places at or near both ends of such street or portion of a street;

(*x*) securing the protection of public parks, gardens, and open spaces, vested in or under the control of the municipal council, from injury or misuse, regulating their management and the manner in which they may be used by the public, and providing for the proper behaviour of persons in them; Public parks.

(*y*) prescribing the conditions on or subject to which and the circumstances in and the areas or localities in For licensing factories, the use of steam whistles, etc.

respect of which licences may be granted, refused, suspended or withdrawn for the establishment in any premises, of any factory, as defined in the Mysore Factories Act, 1914, or for the use of whistles and trumpets operated by steam, mechanical means or electricity in factories or other places for the purposes of summoning or dismissing workmen or persons employed;

Fine may be imposed for infringement of bye-laws.

(*z*) generally for the regulation of all matters relating to municipal administration.

And every municipal council may, with the like sanction, prescribe a fine not exceeding five hundred rupees for the infringement of any such bye-law.

(2) Every municipal council shall, subject to such modifications as it deems fit, adopt the bye-laws made under sub-section (1) and may, from time to time, make amendments therein:

Provided that the making of amendments therein shall not have effect unless and until it has been approved by the Government.

Publication of drafts of proposed bye-laws.

(3) Every municipal council shall, before adopting any bye-law under sub-section (2), publish in such manner as shall in its opinion be sufficient, for the information of the persons likely to be affected thereby, a draft of the bye-laws proposed to be adopted clearly indicating the modifications, together with a notice specifying a date on or after which the draft will be taken into consideration, and shall, before adopting the bye-law, receive and consider any objection or suggestion with respect to the draft which may be made in writing by any person before the date so specified.

Objections and suggestions to be submitted to Government.

(4) When any bye-law adopted by a municipal council is submitted to the Government for approval, a copy of the notice published as aforesaid and of every objection or suggestion so made, shall be submitted for the information of the Government along with the said bye-law.

(5) Notwithstanding anything contained in this section, the bye-laws in force in any municipality on the date of commencement of this Act, shall continue in force until superseded by bye-laws made and adopted under sub-sections (1) and (2).

Rules and bye-laws to be printed and sold.

49. The rules and bye-laws for the time being in force shall be kept open for public inspection at the municipal office at all reasonable times, and printed copies thereof and of this Act in Kannada shall be kept on sale at cost price.

CHAPTER V.

MUNICIPAL PROPERTY AND FUND.

Power to acquire and hold property.

50. (1) Every municipal council may acquire and hold property both moveable and immoveable, whether within or without the limits of the municipality.

Property vested in the municipal council.

(2) All property of the nature hereinafter in this section specified, and not being specially reserved by the Government, shall be vested in and belong to the municipal council and shall, together with all other property of whatsoever nature or kind not being specially reserved by the Government, which may become vested in the municipal council, be under its direction, management and control, and shall be held and applied by it as trustee, subject to the provisions and for the purposes of this Act, that is to say—

(*a*) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depots;

(*b*) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water-works and all bridges, buildings, engines, works, materials and things connected therewith, or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;

(*c*) all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and water-courses in, alongside or under any street, and all works, materials and things appertaining thereto, as also all dust, dirt, dung, ashes, refuse, animal matter or filth or rubbish of any kind collected by the municipal council from the streets, houses, privies, sewers, cesspools or elsewhere;

(*d*) all public lamps, lamp-posts and apparatus connected therewith, or appertaining thereto;

(*e*) all lands and buildings transferred to it by the Government, or by gift or otherwise, for local public purposes;

(*f*) all public streets and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

Power to Government to resume property.

(3) It shall be competent to the Government from time to time, by notification, to resume any property vested or vesting in the municipal council under this section on such terms as the Government may determine.

Municipal fund

51. All money received by or on behalf of the municipal council by virtue of this or any other Act ; all taxes, tolls and other imposts, fines, fees, penalties paid to or levied by it under this Act ; all proceeds of land or other property sold by the municipal council, and all rents accruing from its land or property ; as also all interest, profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise shall constitute the municipal fund, and shall be held and dealt with in a similar manner to the property mentioned in the last preceding section :

Provision as to special trusts.

Provided that nothing in this section, or in the last preceding section, shall in any way affect any obligations accepted by or imposed upon any municipal council by any declarations of trust executed by or on behalf of such municipal council, or by any scheme settled by order of the Government for the administration of any trust.

Application of municipal fund and property.

52. The municipal fund and all property held by or vested in the municipal council under this Act, shall be applied, subject to the provisions of this Act for the purposes specified in sections 55, 56 and 58 and for all other purposes for which by or under this Act, or any other law for the time being in force, powers are conferred or duties imposed upon the municipal council and with the previous sanction of the commissioner or the Government, for any other purpose for which the application of such property or fund is in the public interests.

Power to deposit and invest surplus funds.

53. (1) It shall be lawful for the municipal council to deposit at interest with the Government savings bank, or with the sanction of the Government in any other bank in or outside of Mysore, any surplus funds in its hands which may not be required for current charges, and, with the like sanction to invest such funds in public securities in the name of the municipal council, and from time to time dispose of such securities as may be necessary.

(2) All surplus funds over and above what may be required for current expenses shall, unless deposited or invested as provided for in sub-section (1), be deposited in the local Government treasury, or such other place of security as may be sanctioned by the Government. Surplus not so deposited or invested how to be dealt with.

54. A municipal council may, in pursuance of a resolution passed at a special general meeting and with the previous sanction of the Government and subject to such conditions as may be prescribed by the Government as to security, the rate of interest and the repayment of principal and interest, borrow either from the Government or from any person, any sum of money required for constructing any work of a permanent nature which it is required or empowered to undertake under the provisions of this Act. Power of municipal councils to borrow money.

CHAPTER VI.

OBLIGATORY AND DISCRETIONARY FUNCTIONS OF MUNICIPAL COUNCILS.

Obligatory duties of municipal councils.

55. It shall be the duty of every municipal council to make reasonable provision for the following matters within the municipality under its authority, namely :—

(*a*) lighting public streets, places and buildings ;

(*b*) watering public streets and places ;

(*c*) cleansing public streets, places and sewers, and all spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipal council or not ; removing noxious vegetation ; and abating all public nuisances ;

(*d*) extinguishing fires and protecting life and property when fires occur ;

(*e*) regulating or abating offensive or dangerous trades or practices ;

(*f*) removing obstructions and protection in public streets or places, and in spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipal council or belong to the Government ;

(*g*) securing or removing dangerous buildings or places and reclaiming unhealthy localities ;

(*h*) acquiring and maintaining, changing and regulating places for the disposal of the dead ;

(*i*) constructing, altering and maintaining public streets, culverts, municipal boundary marks, markets, slaughter-houses, latrines, privies, urinals, drains, sewers, drainage works, sewage works, baths, washing places, drinking fountains, tanks, wells, dams and the like ;

(*j*) obtaining a supply of or an additional supply of water, proper and sufficient for preventing danger to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply, when such supply or additional supply can be obtained at a reasonable cost ;

(*k*) naming streets and numbering houses ;

(*l*) registering births and deaths ;

(*m*) public vaccination ;

(*n*) suitable accommodation for any calves, cows, or buffaloes required within the municipality for the supply of animal lymph ;

(*o*) establishing and maintaining public hospitals and dispensaries, and providing public medical relief ;

(*p*) arranging for the destruction or the detention and preservation of such dogs within the municipality as may be dealt with under the law in force relating to police or under section 138 of this Act ;

(*q*) providing facilities for anti-rabic treatment and meeting the expenses of indigent persons undergoing anti-rabic treatment within or outside the municipal limits ;

(*r*) printing such annual reports on the municipal administration of the municipality as the Government, by general or special orders, requires the municipal council to submit.

(*s*) paying the salary and the contingent expenditure on account of such police or guards as may be required by the municipal council for the purposes of this Act or for the protection of any municipal property, and providing such accommodation as may be required by the Government under the law in force relating to police ;

(*t*) if the Government so requires, compost making.

Special duties.

56. Every municipal council shall make reasonable provision for the following special matters, namely :—

(*a*) providing special medical aid and accommodation for the sick in time of dangerous disease ; and taking such measures as may be required to prevent the outbreak or suppress and prevent the recurrence of the disease ;

(*b*) giving relief and establishing and maintaining relief works in time of famine or scarcity to or for destitute persons within the limits of the municipality.

Power of Government to exempt municipal council from any of the duties.

57. Notwithstanding anything contained in sections 55 and 56, the Government may exempt any municipal council from any of the provisions of those sections or may declare that, in regard to any municipal council, any of the duties specified in the aforesaid sections shall be deemed to be discretionary duties within the meaning of section 58.

(Chapter VI—Obligatory and Discretionary functions of Municipal Councils)

Discretionary powers of expenditure of municipal councils.

58. Municipal councils may, at their discretion, provide out of the said property and fund, either wholly or partly, for—

(*a*) laying out, whether in areas previously built upon or not, new public streets, and acquiring the land for that purpose, including the land requisite for the construction of buildings or curtilages thereof, to abut on such street;

(*b*) constructing, establishing, or maintaining public parks, gardens, libraries, museums, lunatic asylums, halls, offices, dharmasalas, choultries, musafarkhanas, rest-houses and other public buildings;

(*c*) constructing and maintaining, where necessary, suitable sanitary houses for the habitation of the poor and granting loans for the construction of such houses or for effecting necessary improvements connected therewith;

(*d*) providing accommodation for any class of servants employed by the municipal council or granting loans to such servants for construction of houses, subject to the rules prescribed in this behalf;

(*e*) granting loans to encourage local arts and industries;

(*f*) planting and maintaining roadside and other trees;

(*g*) taking statistics and granting rewards for information which may tend to secure the correct registration of vital statistics;

(*h*) making a survey;

(*i*) securing or assisting to secure suitable places for the carrying on of the offensive trades mentioned in section 161;

(*j*) supplying, constructing and maintaining receptacles, fittings, pipes and other appliances whatsoever, on or for the use of private premises, for receiving and conducting the sewage thereof into sewers under the control of the municipal council;

(*k*) establishing and maintaining a farm or factory for the disposal of sewage;

(*l*) providing music for the people;

(*m*) the promotion of public health or infant welfare;

(*n*) contribution towards any public fund raised for the relief of human suffering, within or without the municipality;

(*o*) by a resolution passed at a general meeting and supported by one-half of the whole number of councillors and with the previous sanction of the Deputy Commissioner, any public reception, ceremony, entertainment or exhibition within the municipality ;

Provided that no such previous sanction shall be necessary if such resolution is passed unanimously ;

(*p*) the organisation or maintenance during scarcity of shops or stalls for the sale of necessaries of life ;

(*q*) housing and maintaining destitute orphans and destitute cripples ;

(*r*) subject to the provisions of the Mysore Warehouses Act, 1950, constructing, establishing and maintaining warehouses, and

(*s*) any other matter not hereinbefore specifically named which is likely to promote education or the public health, safety or convenience or the advancement of the economic condition of the inhabitants or which is necessary for carrying out the purposes of this Act, expenditure whereon is resolved by the municipal council by the votes of not less than two-thirds of the whole number of councillors and with the approval of the Government, to be an appropriate charge on the municipal fund.

Arrangements purporting to be binding permanently or for a term of years.

59. When a municipal council has entered into any arrangement, or made any promise, purporting to bind itself or its successors for a term of years or for an unlimited period, to continue to any educational or charitable institution a yearly contribution from the municipal property or fund, it shall be lawful for the municipal council, or its successors, with the sanction of the Government, to cancel such arrangement or promise, or to discontinue or to diminish such yearly contribution, provided that it shall have given at least twelve months' notice of its intention so to do to the manager or managers of such institution.

Management of public institutions maintained by municipal councils to vest in it.

60. The management, control and administration of every public institution exclusively maintained out of municipal property and funds shall vest in the municipal council by which it is maintained.

CHAPTER VII.

MUNICIPAL TAXATION.

(1) *Imposition of Taxes.*

Taxes which may be imposed.

61. Any municipal council—

(*a*) after observing the preliminary procedure required by section 62, and

(*b*) with the sanction of the Government, and subject to such modifications or conditions as under section 63, the Government, in according such sanction deems fit, may impose, for the purposes of this Act, any one or more of the following taxes at rates not exceeding those prescribed in Schedules I to VI [except the levy under clause (*xiii*) which shall be levied in accordance with the provisions of section 65,] that is to say,—

(*i*) a rate on buildings or lands or both situated within the municipality ;

(*ii*) a tax on all or any vehicles, boats or animals used for riding, draught or burden, kept within the said municipality for use ;

(*iii*) a toll on vehicles entering the said municipality, but not liable to taxation under the clause last preceding ;

(*iv*) an octroi on animals or goods, or both brought within the octroi limits for consumption, use or sale therein ;

(*v*) a stand fee for bus stands established or maintained by a municipal council ;

(*vi*) a tax on dogs kept within the said municipality ;

(*vii*) a special sanitary cess upon private latrines, premises or compounds cleansed by municipal agency, after notice given as hereinafter required ;

(*viii*) a general sanitary cess for the construction or maintenance, or both construction and maintenance of public latrines and underground drainage and for the removal and disposal of refuse ;

(*ix*) a water-rate or water-rates for water supplied by the municipal council, which may be imposed in the form of rate assessed on buildings and lands, or in any other form, including that of charges for such supply, fixed in such mode or modes as shall be best adapted to the varying circumstances of any class of cases or of any individual case ;

(*x*) a lighting tax;

(*xi*) a tax on arts, professions, trades and callings and on offices and appointments ;

(*xii*) a tax on shops and other places where a business or profession is carried on for purpose of profit, payable by the person or persons engaged in the business or profession :

Provided that where the municipal council elects to levy a tax under this clause, the person or persons paying the tax shall not be called upon to pay a tax on professions, trades and callings under clause (*xi*) in respect of the business or professions carried on in the shop or place ;

(*xiii*) a duty on transfers of immoveable property in the shape of an additional stamp duty :

Provided that—

(*a*) no tax imposed as aforesaid other than a special sanitary cess or water-rate shall, without the express consent of the Government, be leviable in respect of—

(i) any building or part of any building belonging to the Government and used solely for public purposes and not used or intended to be used for residential purposes or for purpose of profit, or any building or part of any building belonging to the Central Government ;

(ii) any vehicle, animal or other property belonging to the Government and used solely for public purposes and not used or intended to be used for purpose of profit, or any vehicle, animal or other property belonging to the Central Government ;

(iii) any building or part of a building used as a place of public worship or used for a charitable purpose ;

1 * *

1. Clause (b) of the proviso to section 61 omitted by Act 19 of 1954.

(*c*) no toll shall be leviable in respect of any vehicle used for the passage of troops [1][* * *] or of Government stores or of any other Government property or for the passage of military or police officers on duty or the passage or conveyance of any person or property in their custody ;

(*d*) the Government may, by order, grant and define other exemptions in exceptional cases from payment of tolls and other taxes imposed under this Act ;

(*e*) no tax shall be leviable in respect of horses, being registered chargers of the officers of the Armed Forces of the Union or in respect of one bicycle and one horse kept by the members of the Mysore Police Force for the performance of their official duties ;

(*f*) no special sanitary cess shall be leviable in respect of any private latrines, premises or compounds, unless and until the municipal council has—

(i) made provision for the cleansing thereof by manual labour, or for conducting or receiving the sewage thereof into municipal sewers, and

(ii) issued either severally to the persons to be charged, or generally to the inhabitants of the municipality or part of the municipality to be charged with such cess, one month's notice of the intention of the municipal council to perform such cleansing and to levy such cess ;

(*g*) the municipal council, in lieu of imposing separately any two or more of the taxes described in clauses (i), (viii), (ix) and (x), may impose a consolidated tax, assessed as a rate on buildings or lands, or both, situated within the municipality.

Procedure preliminary to imposing tax.

62. A municipal council, before imposing a tax, shall observe the following preliminary procedure :—

(*a*) it shall, by resolution passed at a general meeting, select for the purpose one or other of the taxes specified in section 61 and prepare rules for the purposes of clause (*h*)

1. Certain words omitted by Act 19 of 1954.

of section 46, prescribing the tax selected, and in such resolution and in such rules specify—

(i) the classes of persons or of property or of both which the municipal council proposes to make liable, and any exemptions which it proposes to make;

(ii) the amount or rate at which the municipal council proposes to assess each such class;

(iii) in the case of a rate on buildings or lands or both, the basis, for each class, of the valuation on which such rate is to be imposed;

(iv) all other matters which the Government may require to be specified therein.

(*b*) When such resolution has been passed, the municipal council shall publish the rules so prepared with a notice in the form of Schedule VII prefixed thereto.

(*c*) Any inhabitant of the municipality objecting to the imposition of the said tax or to the amount or rate proposed, or to the classes of persons or property to be made liable thereto or to any exemptions proposed, may within one month from the publication of the said notice, send his objection in writing to the municipal council; the municipal council shall take all such objections into consideration, or shall authorise a committee to consider the same and report thereon; and, unless it decides to abandon the proposed tax, shall submit such objections with its opinion thereon and any modifications proposed in accordance therewith, together with the notice and rules aforesaid to the Government.

Power to sanction, modify and impose conditions.

63. The Government may either refuse to sanction the rules submitted, or may return them to the municipal council for further consideration, or if no objection, or no objection which is in its opinion sufficient, was made to the proposed tax within one month from the publication of the said notice, may sanction the said rules either—

(*a*) without modification, or

(*b*) subject—

(i) to such modifications not involving an increase of the amount to be imposed, or,

(ii) to such conditions as to the application within the municipality to any purpose or purposes of this

Act specified in such conditions, of the whole or any part of the proceeds of such tax, as it deems fit.

Publication of sanctioned rules with notice.

64. All rules sanctioned under section 63 with all modifications subject to which the sanction is given, shall be published by the municipal council in the municipality for which they are prescribed, together with a notice reciting the sanction and the date and serial number thereof, and the tax as prescribed by the rules so published shall, from a date which shall be specified in such notice and which shall not be less than one month from the publication of such notice, be imposed accordingly, and the proceeds thereof shall be applied by the municipal council in accordance with all conditions, if any, subject to which under section 63 the sanction was given.

Provided that—

(*a*) a tax leviable by the year—

(i) shall not come into force except on one of the following dates, *viz.*, the first day of April—the first day of July—the first day of October—the first day of January—in the official year in which such notice is published, and

(ii) if it comes into force on any day other than the first of April, it shall be leviable by the quarter, till the first day of April then next ensuing,

(*b*) on or before the day on which a notice is issued under this section, the municipal council shall publish such further detailed rules as may be required, and as may have been approved by the Government under proviso (i) to section 46, prescribing the mode of levying and recovering the tax therein specified and the dates on which it or the instalments, if any, thereof, shall be payable,

(*c*) if the levy of a tax, or of a special portion of a tax, has been sanctioned for a fixed period only, the levy shall cease at the conclusion of that period, except so far as regards unpaid arrears which may have become due during that period.

Duty on certain transfers of immoveable property.

65. (1) The duty on transfers of immoveable property shall be levied in the form of a surcharge on the duty imposed by the Mysore Stamp Act, 1900, on instruments

of sale, gift and mortgage of immoveable property situated within the limits of the municipality at a rate not exceeding one per centum on, as the case may be, the amount of the consideration, the value of the property or the amount secured by the mortgage, as set forth in the instrument :

Provided that no such duty shall be leviable in respect of mortgages where the amount secured by a mortgage does not exceed Rs. 1,000.

(2) On the introduction of the transfer duty—

(*a*) section 27 of the Mysore Stamp Act, 1900, shall be read as if it specifically required the particulars to be set forth separately in respect of property situated within and without the municipality ;

(*b*) section 64 of the same Act shall be read as if it referred to the municipal council as well as the Government.

(3) The Government may make rules for regulating the collection of the duty, the payment thereof to the municipal council and the deduction of any expenses incurred by the Government in the collection thereof.

(4) No duty shall be chargeable in respect of any instrument executed by or on behalf of or in favour of the Government in cases where, but for this exemption, the Government would be liable to pay the transfer duty under this section in respect of such instruments.

Seizure and sale of vehicles not bearing numbers.

66. (1) If any direction for the numbering and registration of a vehicle contained in any bye-law made under clause (j) of sub-section (1) of section 48 is not observed in respect of any vehicle, then any authority empowered in this behalf by the municipal council may, at any time, seize and detain the vehicle or the animal, if any, by which it is drawn or both :

Provided that no vehicle other than a bicycle, tricycle or rikshaw shall be seized and detained when actually employed in the conveyance of any passenger or goods.

(2) If a vehicle or animal is detained under sub-section (1) and the owner or other person entitled thereto does not claim the same and pay the tax, if any, due thereon and other amounts due under sub-section (4) within ten days from the date of seizure, such authority as the municipal council may empower in this behalf may

direct that the vehicle or animal shall be sold in public auction and the proceeds of the sale applied to the payment of—

(*a*) the tax, if any, due on the vehicle,

(*b*) such penalty not exceeding the amount of the tax as the authority may direct, and

(*c*) the charge incurred in connection with the seizure, detention and sale.

(3) If there is a surplus after such payment, the municipal council shall, on demand made within six months from the date of sale, make it over to the owner or other person entitled thereto. If no such demand is made, such surplus shall be forfeited to the municipal council.

(4) If the owner of the vehicle or animal or other person entitled thereto claims the same within ten days from the date of seizure or at any time before the sale, it shall be returned to him on payment of—

(*a*) the tax due on the vehicle,

(*b*) such penalty not exceeding the amount of the tax as the authority specified in sub-section (1) may direct, and

(*c*) the charges incurred in connection with seizure and detention.

(2) *Assessment of and Liability to Taxes.*

Appointment of assessor.

67. (1) For assessing taxes imposed in the form of a rate on buildings or lands or both in each municipality, the Government shall appoint an assessor.

(2) The municipal council shall afford all clerical and other necessary help to the assessor to discharge his duties under the Act and shall bear all expenditure incidental thereto.

Preparation of an assessment list.

68. (1) When a rate on buildings or lands or both is imposed, the assessor shall cause an assessment list of all buildings, or lands, or buildings and lands in the municipality to be prepared, containing—

(*a*) the name of the street or division in which the property is situated ;

(*b*) the designation of the property, either by name or by number, sufficient for identification ;

(*c*) the names of the owner and occupier, if known ;

(*d*) the annual letting value or other valuation on which the property is assessed ; and

(*e*) the amount of the tax assessed thereon.

Power to inspect.

(2) For the purpose of making such assessment as aforesaid, the assessor and any person appointed to assist him in his work may make an inspection of such property.

Returns to be furnished.

(3) On the requisition of the assessor, the owner or occupier of any such building or land shall, within such reasonable period as shall be specified in the requisition, be bound to furnish a true return to the best of his knowledge or belief and subscribed with his signature—

(*a*) as to the name and place of abode of the owner or occupier or of both ;

(*b*) as to the dimensions of such building or land and the annual letting value or other valuation thereof.

Person primarily liable for a rate on buildings or lands or both how to be designated if his name cannot be ascertained.

69. (1) When the name of the person primarily liable for the payment of a rate on buildings or lands or both in respect of any premises cannot be ascertained, it shall be sufficient to designate him in the assessment list, and in any notice which it may be necessary to serve upon the said person under this Act " the holder " of such premises without further description.

Occupier liable for a rate on buildings or lands or both until he gives information.

(2) If, in any such case, any person in occupation of the premises shall refuse to give such information as may be requisite for determining who is primarily liable as aforesaid, such person shall himself be liable, until such information is obtained, for all rates on buildings or lands or both leviable on the premises of which he is in occupation.

Publication of notice of assessment list.

70. When the assessment list has been completed, the assessor shall give public notice thereof, and of the place where the list or a copy thereof may be inspected ; and every person claiming to be either owner or occupier of property included in the list, and any agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Public notice of time fixed for revising assessment list.

71. (1) The assessor shall, at the time of the publication of such assessment list, give public notice of a time, not less than one month thereafter, when the revising authority will proceed to revise the valuation and assessment; and in all cases in which any property is for the first time assessed or the assessment is increased, the assessor shall also give notice thereof to the owner or occupier of the property if known and if the owner or occupier of the property is not known, he shall affix the notice in a conspicuous place on the property.

Revising authority.

(2) The revising authority to whom objections under sub-section (1) may be made shall be the municipal council or any committee to which the municipal council may delegate this function or an officer of the Government to whom with the permission of the Government, the municipal council may delegate this function.

Objections how to be made.

(3) All objections to the valuation and assessment shall be made to the assessor before the time fixed in the notice, by application in writing stating the grounds on which the valuation and assessment are disputed, and all applications so made shall be registered in a book to be kept by the assessor for the purpose.

Hearing of objections.

(4) The revising authority shall, after allowing the applicant an opportunity of being heard in person or by agent,—

(*a*) investigate and dispose of the objections,

(*b*) cause the result thereof to be noted in the book kept under sub-section (3), and

(*c*) cause any amendment necessary in accordance with such result to be made in the assessment list.

Authentication of list.

(5) When all objections made under this section have been disposed of and all amendments required by sub-section (4) have been made in the assessment list, the said list shall be authenticated by the revising authority and sent to the Commissioner for approval.

Custody and inspection of list.

(6) The list so approved by the Commissioner shall be deposited in the municipal office, and shall there be open for inspection during office hours to all owners and occupiers of property specified therein, or to the agents of such persons and a notice that it is so open shall be forthwith published.

(7) Subject—

Authenticated list how far conclusive.

(*a*) to such alteration as may thereafter be made therein under the provisions of the next following section, and

(*b*) to the result of any appeal made under section 99, the entries in the list so authenticated and deposited shall be accepted as conclusive evidence—

(i) for the purposes for all municipal taxes, of the annual letting value or other valuation of all buildings and lands to which such entries respectively refer, and

(ii) for the purposes of any tax imposed on buildings and lands, of the amount of each such tax leviable thereon throughout the official year to which such list relates.

Amendment of assessment list.

72. (1) The municipal council may at any time alter the assessment list by inserting or altering an entry in respect of any property, such entry having been omitted from or erroneously made in the assessment list through fraud, accident or mistake, or in respect of any building constructed, altered, added to or reconstructed in whole or in part, where such construction, alteration, addition or reconstruction has been completed after the preparation of the assessment list, after giving notice to any person interested in the alteration of the list of a date, not less than one month from the date of service of such notice, before which any objection to the alteration should be made.

Objections how dealt with.

(2) An objection made by any person interested in any such alteration, before the time fixed in such notice, and in the manner provided by sub-section (3) of section 68, shall be dealt with in all respects as if it were an application under the said section.

Effect of amendment

(3) An entry or alteration made under this section shall, subject to the provisions of section 98, have the same effect as if it had been made in the case of a building constructed, altered, added to or reconstructed on the day on which such construction, alteration, addition or reconstruction was completed or on the day on which the new construction, alteration, addition or reconstruction was first occupied, whichever first occurs, or in other

cases on the earliest day in the current official year on which the circumstances justifying the entry or alteration existed; and the tax or the enhanced tax, as the case may be, shall be levied in such year in the proportion which the remainder of the year after such day bears to the whole year.

New assessment list need not be prepared every year.

73. (1) It shall not be necessary to prepare a new assessment list every year. Subject to the condition that every part of the assessment list shall be completely revised not less than once in every four years, the assessor may adopt the valuation and assessment contained in the list for any year, with such alterations as may be deemed necessary, for the year immediately following.

(2) But the provisions of sections 70, 71 and 72 shall be applicable every year as if a new assessment list had been completed at the commencement of the official year.

Tax from whom primarily leviable.

74. Every tax imposed in the form of a rate on buildings or lands or on both shall be leviable primarily from the actual occupier of the property upon which the said taxes are assessed, if he is the owner of the buildings or lands, or holds them on a building or other lease from the Government or from the municipal council, or on a building lease from any person. Otherwise, the said tax shall be primarily leviable as follows, namely,—

(*a*) if the property is let, from the lessor;

(*b*) if the property is sublet, from the superior lessor;

(*c*) if the property is unlet, from the person in whom the right to let the same vests:

Recovery from occupiers.

Provided that, on failure to recover any sum due on account of such tax from the person primarily liable, such portion of the sum may be recovered from the occupier of any part of the buildings or lands in respect of which it is due, as bears to the whole amount due the same ratio which the rent annually payable by such occupier bears to the aggregate amount of rent so payable in respect of the whole of the said buildings or lands, or to the aggregate amount of the letting value thereof, if any, stated in the authenticated assessment list, whichever of those two amounts is the greater:

Remedy of occupier in such case.

Provided further, that for any sum paid by, or recovered from, any occupier who is not primarily liable under this

section, he shall be entitled to credit in account with the person primarily liable for the payment of that sum.

Notice to be given to municipal council of all transfers of title by persons primarily liable to payment of taxes on buildings or lands.

75. (1) Whenever the title of any person primarily liable for the payment of a tax imposed on any premises in the form of a rate on buildings, or lands or both to or over such premises is transferred, the person whose title is so transferred and the person to whom the same shall be transferred shall give notice on such transfer in writing to the municipal council.

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred, as heir or otherwise shall give notice of such transfer to the municipal council.

Form of notice.

76. (1) The notice to be given under the last preceding section shall be in the form either of Schedule VIII or Schedule IX, as the case may be, and shall state clearly and correctly all the particulars required by the said form.

(2) On receipt of any such notice, the municipal council may, if it thinks it necessary, require the production of the instrument of transfer, if any, or of a copy thereof obtained under section 57 of the Mysore Registration Act, 1903.

Name of transferee to be substituted in the municipal registers.

77. Whenever such transfer comes to the knowledge of the municipal council either through such notice or otherwise, and after such enquiry as may be prescribed, the name of the transferee shall be substituted in the municipal registers for that of the person primarily responsible.

Liability for payment of taxes on buildings or lands to continue in the absence of notice of transfer.

78. (1) Every person, primarily liable for the payment of a tax imposed on any premises in the form of a rate on buildings or lands, who transfers his title to or over such premises without giving notice of such transfer to the municipal council as aforesaid, shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of all taxes from time to time payable in respect of the said premises, until he gives such notice, or until the transfer shall have been recorded in the registers of the municipal council.

(2) But nothing in this section shall be held to diminish the liability of the transferee for the said taxes or to affect the prior claim of the municipal council on the premises conferred by section 100, for the recovery of the taxes due thereupon.

Remission of tax in case of vacancies when obligatory.

79. (1) Where any building or land which is assessed to a rate based on the annual letting value and payable by the year or in respect of which a special sanitary cess is payable by the year, or by instalments, has remained vacant and unproductive of rent throughout the year or portion of the year for which the rate is leviable or throughout the period in respect of which any such instalment is payable, the municipal council may remit or refund not less than one half of the amount of the rate, or of the cess, or instalment of the cess, as the case may be:

When discretionary.

Provided that no such remission shall be granted unless notice in writing of the fact of the building or land being vacant and unproductive of rent has been given to the municipal council, and that no remission or refund shall take effect for any period previous to the day of the delivery of such notice.

(2) When any such building or land as aforesaid—

(*a*) has been vacant and unproductive of rent for any period of not less than sixty consecutive days, or

(*b*) consists of separate tenements one or more of which has or have been vacant and unproductive of rent for any such period as aforesaid, or

(*c*) is wholly or in great part demolished or destroyed by fire or otherwise deprived of value,

the municipal council may remit or refund such portion, if any, of the rate or cess or instalment as it may think equitable.

Burden of proof on claimant.

(3) The burden of proving the facts entitling any person to claim relief under this section shall be upon him.

Explanatory clause.

(4) For the purpose of this section, a building or land shall be deemed to be productive of rent if let to a tenant who has continuing right of occupation thereof, whether it is actually occupied by such tenant or not.

(3) *Power to charge Fees.*

Municipal council may charge fee for certain licences.

80. (1) When any licence is granted by the municipal council under this Act or when permission is given by it for making any temporary erection or for putting up any projection, or for the temporary occupation of any public street or other land vested in the municipal council, the municipal council may charge a fee for such licence or permission.

Levy of fees for unauthorised occupation or projection.

(2) The municipal council may charge a higher fee by way of penalty for any erection, or projection, or for the use or occupation of any public street or other land vested in the municipal council by any person without its permission or licence. Such fee shall be leviable irrespective of any other penalty or liability to which the person liable to pay the same may be subject under any other provision of this Act or any other law for the time being in force. The rates of such higher fees shall be determined by rules.

Market and other fees.

(3) The municipal council may also charge such fees as may be fixed by bye-laws under clause (*a*) of sub-section (1) of section 48, for the use of any such places mentioned in that sub-section, as belong to the municipal council.

Farming of fees.

(4) It shall be lawful for the municipal council to lease the levy of any fee that may be imposed under sub-section (3) by public auction or private contract.

Power of lessee to expel persons who refuse to pay fees.

(5) When any fee has been leased under sub-section (4), any person employed by the lessee to collect such fees or the lessee himself may, subject to the conditions of the lease, collect the fee or expel from the place for the use of which the fee is payable any person who is liable to pay the fee but refuses to pay it.

(4) *Special Provisions relating to certain Taxes.*

Composition of toll.

81. (1) The municipal council may compound for a period not exceeding one year at a time, with any person for a sum to be fixed in accordance with a scale approved by the municipal council and to be paid monthly, quarterly, or half-yearly in advance in lieu of all tolls payable in respect of any vehicle belonging to such person and issue a pass for the free admittance of the vehicle within the limits of the municipality.

Recovery of sums claimed under this section.

(2) Every sum claimed by the municipal council as a lumpsum payable under sub-section (1) shall, for the purposes of Chapter VIII, be deemed to be, and shall be

recoverable in the same manner as an amount claimed on account of any tax recoverable under the said chapter.

Power of Government to suspend or prohibit levy of objectionable taxes.

82. If it shall at any time appear to the Government, on complaint made or otherwise, that any tax, leviable by a municipal council, is unfair in its incidence or that the levy thereof or of any part thereof, is obnoxious to the interests of the general public, the Government may require the said municipal council, within such period as it shall fix in this behalf, to take measures for removing any objection which appears to it to exist to the said tax, and if, within the period so fixed, such requirements shall not be carried into effect to the satisfaction of the Government, it may, by notification in the *Mysore Gazette*, suspend the levy of such tax, or of such part thereof, until such time as the objection thereto shall be removed.

The Government may, at any time, by a like notification, rescind any such suspension.

Power of Government to require municipal council to impose taxes.

83. Whenever it appears to the Government that the balance of the municipal fund of any municipal council is insufficient for meeting the expenditure incurred under section 200 or under section 202, the Government may, by notification, require the municipal council to impose, within the municipality, any such tax specified in the notification as may be imposed under section 61, if no such tax is at the time imposed therein, or to enhance any existing tax in such manner or to such extent as the Government considers fit, and the municipal council shall forthwith proceed to impose or enhance in accordance with the requisition such tax under the provisions of this chapter, as if a resolution of the municipal council had been passed for the purpose under section 62.

Provided that—

(*a*) the Government shall take into consideration any objection which the municipal council or any inhabitant of the municipality may take against the imposition or enhancement of such tax ;

(*b*) it shall not be lawful for the municipal council to abandon or modify or to abolish such tax when imposed, and

(*c*) the Government may, at any time, cancel or modify any requisition made by it under this section, and the levy of the tax or the enhancement, except as to arrears

theretofore accrued due, shall thereupon cease or be modified accordingly.

(5) *Octroi and Tolls.*

Octroi bye-laws to be submitted with proposal for imposition of octroi.

84. Every municipal council, when submitting for sanction a proposal for the imposition of octroi, shall submit therewith for approval a draft of bye-laws for the purposes of clause (*k*) of sub-section (1) of section 48, after observing the requirements of sub-sections (2), (3) and (4) of that section.

Power to examine articles liable to octroi.

85. (1) Every person bringing into, or receiving from beyond, the octroi limits of a municipality, any article on which octroi is payable shall, when required by an officer authorised in this behalf by the municipal council and so far as may be necessary for ascertaining the amount of tax chargeable,

(*a*) permit that officer to inspect, examine and weigh and otherwise deal with the article, and

(*b*) communicate to that officer any information, and exhibit to him any bill, invoice or document of a like nature, which he may possess relating to the article.

Power to search where octroi is leviable.

(2) If any person bringing into, or receiving from beyond the octroi limits of a municipality in which octroi is leviable, any conveyance or package, shall refuse on the demand of an officer authorised by the municipal council in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before a magistrate or the president or such officer of the municipal council as the Government appoints in this behalf by name or office, who shall cause the inspection to be made in his presence.

Presentation of bills for octroi.

86. (1) Every officer demanding octroi by the authority of the municipal council shall tender to every person introducing or receiving any article on which the tax is claimed, a bill specifying the article taxable, the amount claimed, and the rate at which the tax is calculated.

Penalty for evasion of octroi.

(2) If goods passing into a municipality are liable to the payment of octroi, then every person who, with the intention to defraud the municipal council, causes or abets the introduction of, or himself introduces or attempts to introduce within the octroi limits of the said municipality, any such goods upon which payment of the octroi due on such introduction has neither been made nor tendered, shall on conviction by a magistrate be punishable with fine which may extend to ten times the value of such octroi or to two hundred rupees whichever may be greater, or with simple imprisonment which may extend to one month.

Penalty for selling articles liable to octroi without a licence or for being in possession of any such article on which octroi has not been paid.

87. (i) Any person—

(*a*) selling or keeping for sale without a licence any article liable to octroi and for the sale of which a licence is required to be obtained, or

(*b*) having in his possession any article on which octroi has not been paid but which is liable to octroi and for the sale of which a licence is required to be obtained,

shall be liable, on conviction before a Magistrate, to a fine not exceeding ten times the octroi due on all the articles so sold or kept for sale, or possessed or one hundred rupees, whichever may be greater, and

Seizure of articles on which octroi duty has not been paid and arrest of person in possession of such articles.

(ii) Any officer of the municipal council authorised by the municipal council in this behalf, if he has reason to believe that any article on which octroi has not been paid but which is liable to octroi and for the sale of which a licence is required to be obtained is kept or concealed in any premises may, after obtaining the warrant of a Magistrate, enter and search at any time such premises and if he finds any such article on which octroi has not been paid, may seize any such article and arrest any person in possession of the same:

Provided that any article or person so seized or arrested shall be produced before a Magistrate exercising jurisdiction within the municipality within twenty-four hours from the time of such seizure or arrest:

Provided also that nothing in this section shall apply to any article liable to octroi and for the sale of which a licence is required to be obtained, if the value of such article does not exceed two hundred rupees and if it is

kept by any person for the personal use of himself or any member of his family or sold by such person when not required for such use.

(iii) The provisions of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to all searches and arrests effected under this section. Searches and arrests to be governed by the Code of Criminal Procedure, 1904.

88. Every municipal council imposing any toll under this Act shall cause to be kept at each place, where such toll is to be collected a table in Kannada showing the amounts leviable in all cases provided for in the rules, including the terms, if any, on which the liability to pay such tolls may be compounded by periodical payments, and it shall be the duty of every person authorised to demand payment of a toll, to show such table, on the request of any person on whom such demand is made. Tables of tolls to be shown on demand.

89. (1) In the case of non-payment on demand of any octroi or of any toll leviable by a municipal council, the person appointed to collect such octroi or toll may seize any article on which the octroi is chargeable or any vehicle on which the toll is chargeable, or any part of its burden, which is of sufficient value to satisfy the demand, and may detain the same. He shall thereupon give the person in possession of the vehicle, or article seized a list of the property together with a written notice in the form of Schedule XII. Power to seize vehicle on non-payment of octroi or toll.

(2) When any article seized is subject to speedy and natural decay, or when the expense of keeping it together with the amount of the octroi or toll chargeable is likely to exceed its value, the person seizing such article may inform the person in whose possession it was that it will be sold at once and shall sell it or cause it to be sold accordingly unless the amount of octroi or toll demanded be forthwith paid. Notice of sale.

(3) If at any time before the sale has begun, the person whose property has been so seized tenders at the municipal office the amount of all expenses incurred, and of the octroi or toll payable, the municipal council shall forthwith release the property seized. Release of property on payment.

(4) If no such tender is made, the property may be sold and the proceeds of such sale shall be applied in Sale.

payment of such octroi or toll and the expenses incidental to the seizure, detention and sale.

Surplus, how dealt with.

(5) The surplus, if any, of the sale proceeds shall be credited to the municipal fund, and may, on application made to the municipal council in writing within six months next after the sale, be paid to the person in whose possession the property was when seized, and, if no such application is made, shall be the property of the municipal council.

Power to keep account current with firm or public body in lieu of levying octroi on introduction of goods.

90. The municipal council, if it thinks fit, instead of requiring payment of octroi, due from any mercantile firm or public body, to be made at the time when the articles in respect of which it is leviable are introduced within the octroi limits of the municipality, may at any time direct that an account current shall be kept on behalf of the municipal council of the octroi so due from any such firm or body as the municipal council specifies in this behalf. Every such account shall be settled at intervals not exceeding one month, and such firm or public body shall make such deposit or furnish such security as the municipal council or any committee or officer authorised by it in this behalf, shall consider sufficient to cover the amount which may at any time be due from such firm or body in respect of such dues. Every amount so due at the expiry of any such interval shall, for the purposes of Chapter VIII, be deemed to be, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under the said chapter.

Farming of tolls.

91. (1) It shall be lawful for the municipal council to lease annually the levy of any toll that may be imposed under this Act by public auction or private contract.

(2) Where any toll has been leased under this section, any person employed by the lessee to collect such tolls shall, subject to the conditions of the lease, have the powers referred to in sub-sections (1) and (2) of section 86: provided that no article distrained may be sold, except under the orders of the municipal council.

CHAPTER VIII.

RECOVERY OF MUNICIPAL CLAIMS.

Presentation of bill for taxes.

92. (1) When any amount—

(*a*) which, by or under any provisions of this Act, is declared to be recoverable in the manner provided by this chapter, or

(*b*) which, not being leviable under sub-section (1) of section 89, or payable on demand on account of an octroi or a toll, is claimable as an amount or instalment on account of any other tax which is now imposed or hereafter may be imposed in any municipality,

shall have become due, the municipal council shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof, a bill for the sum claimed as due.

Contents of bills.

(2) Every such bill shall specify—

(*a*) the period for which, and

(*b*) the property, occupation or thing in respect of which,

the sum is claimed, and shall also give notice of—

(i) the liability incurred in default of payment, and of

(ii) the time within which an appeal may be preferred as hereinafter provided against such claim.

If bill not paid within fifteen days, notice of demand to issue.

(3) If the sum for which any bill has been presented as aforesaid is not paid into the municipal office, or to a person authorised by any rule in that behalf to receive such payments, within fifteen days from the presentation thereof, the municipal council may cause to be served upon the persons to whom such bill has been presented a notice of demand in the form of Schedule X, or to the like effect.

In what cases warrant may issue.

93. (1) If the person on whom a notice of demand has been served under sub-section (3) of section 92, does not, within fifteen days from the service of such notice of demand, either—

(*a*) pay the sum demanded in the notice, or

(*b*) show cause to the satisfaction of the municipal council, or of such officer as the municipal council by rule may appoint in this behalf, or of the executive officer, if any, why he should not pay the same, or

(*c*) prefer an appeal in accordance with the provisions of section 99 against the demand,

such sum with all costs of the recovery may be levied under a warrant caused to be issued by the municipal council in the form of Schedule XI or to the like effect, by distress and sale of the moveable property of the defaulter.

Warrant by whom to be signed.

(2) Every warrant issued under this section shall be signed by the president of the municipal council causing the same to be issued, or by the executive officer, if any.

To whom the warrant should be addressed.

(3) Where the property is in the area under the control of the municipal council, the warrant shall be addressed to an officer of the municipal council. Where the property is in another municipality constituted under this Act or the City of Bangalore Municipal Corporation Act, 1949, or the Mysore City Municipalities Act, 1933 or in a place which is not a municipality constituted under the aforesaid Act, the warrant shall be addressed to the Commissioner of the Corporation or of the municipal council concerned, or to the Amildar of the taluk as the case may be : provided that such Commissioner or Amildar may endorse such warrant to a subordinate officer.

Power of entry under special order.

(4) It shall be lawful, for any officer to whom a warrant issued under sub-section (2) is addressed or endorsed, if the warrant contains a special order authorising him in this behalf, but not otherwise, to break open, at any time between sunrise and sunset, any outer or inner door or window of a building, in order to make the distress directed in the warrant, if he has reasonable grounds for believing that such building contains property which is liable to seizure under the warrant, and if after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance :

Provided that such officer shall not enter or break open the door of any apartment appropriated for women, until he has given three hours' notice of his intention, and has given such women an opportunity to remove.

(5) It shall also be lawful for any such officer, if authorised by the warrant, to distrain, wherever it may be found, any moveable property of the person named in the warrant issued under sub-section (1), as defaulter, subject to the following conditions, exceptions and exemptions, namely, — Warrant how to be executed.

(*a*) The following property shall not be distrained--

(i) the necessary wearing apparel and bedding of the defaulter, his wife and children,

(ii) the tools of artizans,

(iii) when the defaulter is an agriculturist, his implements of husbandry, seed grain, and such cattle as may be necessary to enable the defaulter to earn his livelihood.

(*b*) The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible proportionate in value to the amount recoverable under the warrant, and if any articles have been distrained which, in the opinion of a person authorised by or under sub-section (2) to sign a warrant or of the person to whom the warrant was addressed, should not have been so distrained, they shall forthwith be returned.

(*c*) The officer shall, on distraining the property forthwith, make an inventory thereof, and shall before removing the same give to the person in possession thereof at the time of distraint, a written notice in the form of Schedule XII.

94. (1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with the amount to be levied is likely to exceed its value, the president or officer by whom the warrant was signed, shall at once give notice to the person in whose possession the property was when distrained, to the effect that it will be sold at once, and shall sell it accordingly unless the amount named in the warrant be forthwith paid. Sale of goods distrained in special cases.

(2) If not sold at once under sub-section (1), the property distrained or a sufficient portion thereof may, unless the warrant is suspended by the person who signed it, or the sum due by the defaulter together with all costs incidental to the notice, warrant and distress and detention of the property, is paid, be, on the expiry of the time Sale of property distrained; application of proceeds of sale.

specified in the notice served by the officer executing the warrant, sold by public auction under the orders of the municipal council, and proceeds, or such part thereof as shall be requisite, shall be applied in discharge of the sum due and of all such incidental costs as aforesaid.

Surplus, if any, how dealt with.

(3) The surplus, if any, shall be forthwith credited to the municipal fund, notice of such credit being given at the same time to the person in whose possession the property was at the time of distraint but if the same be claimed by written application to the municipal council within one year from the date of the notice given under this sub-section, a refund thereof shall be made to such person. Any sum not claimed within one year from the date of such notice shall be the property of the municipal council.

Distraint and sale outside the municipality.

95. Where the warrant is addressed outside the municipality, the authority issuing the warrant may by endorsement direct the officer to whom the warrant is addressed to sell the property distrained and in such case, it shall be lawful for such officer to sell the property and to do all things incidental to the sale and the foregoing provisions shall apply *mutatis mutandis*. Such officer shall, after deducting all costs of recovery incurred by him, remit the amount recovered under the warrant to the authority by whom it was issued, who shall dispose of the same in accordance with the provisions of section 94.

Procedure when distraint is impracticable.

96. (1) If, for any reason, the distraint or a sufficient distraint of the defaulter's property under the foregoing provisions of this chapter is impracticable, the municipal council may prosecute the defaulter before a magistrate:

Provided that an occupier of a building or land, in respect of which any tax remains unpaid, in whole or in part, shall not be liable to prosecution in respect of any sum recoverable from him unless he has wilfully prevented distraint or a sufficient distraint of moveable property found on the building or land.

(2) Every person who is prosecuted under sub-section (1) shall be liable on proof, to the satisfaction of the magistrate, that he wilfully omitted to pay the amount

due by him, to pay a fine not exceeding twice the amount which may be due by him on account of—

(*a*) the tax and warrant fee, if any, and

(*b*) if the distraint has taken place, the distraint fee and the expenses incidental to the detention and sale, if any, of the property distrained.

(3) Whenever any person is convicted of an offence under sub-section (2), the magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the municipal council the amounts, if any, due under the heads specified in clauses (*a*) and (*b*) of sub-section (2) and may in his discretion also recover summarily and pay to the municipal council such amount, if any, as he may fix as the cost of the prosecution.

Summary proceeding may be taken against persons about to leave the municipality.

97. (1) If the municipal council shall at any time have reason to believe that any person from whom any sum recoverable under the provisions of this chapter is due or is about to become due, is about to remove from the municipal area, the municipal council may cause a bill for the sum due or about to become due to be presented to such person and demand immediate payment thereof.

(2) If, on presentation of such bill, the said person does not forthwith pay the sum due or about to become due by him, the amount shall be leviable by distress and sale of the moveable property of the defaulter in the manner hereinbefore prescribed, except that it shall not be necessary to serve upon the defaulter any notice of demand and the municipal council's warrant for distress and sale may be issued and executed without any delay.

98. Fees for—

(*a*) every notice issued under sub-section (3) of section 92,

(*b*) every distress made under sub-section (5) of section 93, and

(*c*) the cost of maintaining any live-stock seized under the said sub-section,

shall be chargeable at the rates, respectively, specified in such behalf in the rules of municipal council, and shall be included in the costs of recovery to be levied under section 94.

Appeal to magistrates.

99. (1) Appeals against any notice of demand issued under sub-section (3) of section 92, may be made to any magistrate by whom, under the directions of the Government or of the District Magistrate, such class of cases is to be tried.

But no such appeal shall be heard and determined unless—

(*a*) the appeal is brought within one month next after service of the notice of demand complained of; and

(*b*) an application in writing, stating the grounds, on which the claim is disputed, has been made as follows, that is to say:

(i) in the case of a rate on buildings or lands, to the assessor or the municipal council, as the case may be, within the time fixed in the notice given under section 71 or 72 of the assessment or alteration thereof, according to which the bill is prepared,

(ii) in the case of any other claim for which a bill has been presented under sub-section (1) of section 92, to the municipal council within fifteen days next after the presentation of such bill, and

(*c*) the amount claimed from the appellant has been deposited by him in the municipal office.

Revision of decisions on appeal.

(2) The decision of the magistrate upon any appeal, shall at the instance of either party, be subject to revision by the court to which appeals from his decisions ordinarily lie.

(3) Effect shall be given by the municipal council to every decision of the said magistrate on any appeal or any decision in revision on such appeal.

Liability of land, buil ings, etc., or rates.

100. All sums due on account of any tax imposed in the form of a rate on lands or buildings, or on both, mentioned in section 74, shall subject to prior payment of land revenue, if any, due to the Government thereupon, be a first charge upon the building or land, in respect of which such tax is leviable, and upon the moveable property, if any, found within or upon such building or land, and belonging to the person liable for such tax or taxes and shall be recoverable as arrears of land revenue:

Provided that no arrears of any such tax shall be recovered from any occupier who is not the owner, if it has been due for more than three years or for a period during which such occupier was not in occupation.

Suspension of power to recover by distress and sale.

101. The Government may, at any time by notification, suspend the operation of sections 93 and 94, in any municipality, and from such date as shall be fixed in this behalf in the notification, every amount due on account of any tax theretofore recoverable under the said sections, shall be recoverable on application to a magistrate, in the manner provided in sub-section (2) of section 174 for the recovery of such fines as are therein referred to, and not otherwise.

Receipts to be given for all payments.

102. For all sums paid on account of any tax under this Act, a receipt stating the amount, and the tax on account of which it has been paid shall be tendered by the person receiving the same.

CHAPTER IX.

MUNICIPAL POWERS AND OFFENCES.

(1) *Powers in respect of streets.*

Power regarding streets, etc.

103. (1) It shall be lawful for the municipal council to lay out and make new public streets, and to construct tunnels and other works subsidiary to the same, and to widen, open, enlarge, or otherwise improve any such streets, and to turn, divert, discontinue, or stop up any such streets, and subject to the provisions of sub-section (2) of section 38, to lease or sell any such land theretofore used or acquired by the municipal council for the purposes of such streets, as may not be required for any public street or for any other purposes of this Act.

(2) In laying out or making or in turning, diverting, widening, opening, enlarging, or otherwise improving any public street, in addition to the land required for the carriage-way and foot-way and drains thereof, the municipal council may purchase the land necessary for the houses and buildings to form the said street, and subject to the provision contained in sub-section (2) of section 38, may sell and dispose of such additional land in perpetuity or on lease for a term of years, with such stipulations as to the class and description of houses or buildings to be erected thereon as it may think fit.

Temporary closure of streets.

104. The municipal council may, by an order in writing, temporarily close any street to traffic for repair, or in order to carry out any work connected with drainage, water-supply or lighting or any of the purposes of this Act :

Provided that such work shall be completed and such street re-opened to traffic with all reasonable speed.

The regular line of public street.

105. (1) It shall be lawful for the municipal council to prescribe, with the sanction of the Government, a line on either side or both sides of any public street within the municipality and the municipal council may, from time to time, prescribe a fresh line in substitution of any line so prescribed or for any part thereof :

Provided that—

(*a*) at least one month previous to prescribing such line or such fresh line, as the case may be, the municipal council shall notify the same in the *Mysore Gazette* and shall give public notice of it and it shall also put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be prescribed and shall further give notice to the owners or occupiers of the lands affected by such alignment;

(*b*) the municipal council shall consider any written objection or suggestion in regard to such proposal delivered at the office of the municipal council within such time as it may specify in such public or special notice; and

(*c*) the municipal council shall prepare a map of the area comprised within the said line and the street concerned and a statement specifying the lands enclosed therein which shall be open for the inspection of the public.

(2) The line for the time being so prescribed shall be called the 'regular line of the public street.'

(3) (*a*) Except under the provisions of section 126, no person shall construct or reconstruct any portion of any building, within the regular line of the public street without the permission of the municipal council under section 109.

(*b*) Where the municipal council refuses permission to construct or reconstruct any building in any area within the regular line of the public street, such area shall thenceforth be acquired by the municipal council and deemed part of the public street.

(*c*) Compensation, the amount of which shall, in case of dispute, be ascertained and determined in the manner provided in section 172, shall be paid by the municipal council to the owner of any land acquired by the municipal council under clause (*b*) of sub-section (3) for the value of the said land and also for any loss, damage, or expense incurred by him in consequence of any action taken or order passed by the municipal council under the said clause (*b*).

(4) Whoever contravenes the provisions of sub-section (3) shall be punished with fine which may extend to two hundred rupees; and the municipal council may—

(*a*) direct that the building be stopped, and

(*b*) by a written notice, require such building or portion thereof to be altered or demolished as it may deem necessary.

(2) *Powers to regulate, buildings, etc.*

Setting back projecting buildings.

106. (1) If any part of a building projects beyond the regular line of a public street as prescribed under section 105, or beyond the front of the building on either side thereof, the municipal council may,

(*a*) if the projecting part thereof is a verandah, step or some other structure external to the main building, then at any time, or

(*b*) if the projecting part is not such external structure as aforesaid, then whenever the greater portion of such building or whenever any material portion of such projecting part has been taken down or burnt down or has fallen down,

require by written notice either that the part, or some portion of the part, projecting beyond the said regular line or beyond the said front of the adjoining building on either side thereof, shall be removed, or that such building when being rebuilt shall be set back to or towards the said regular line or the front of such building. And the portion of land added to the street by such setting back or removal shall thenceforth be deemed part of the public street and be vested in the municipal council.

Acquisition of land which is within the regular line of a street and open or occupied only by platforms, etc.

(2) If any land, not vested in the municipal council whether open or enclosed, lies within the regular line of a public street, and is not occupied by a building other than a platform, verandah, step or other such external structure, the municipal council, after giving the owner of the land not less than fifteen clear days' written notice of its intention, or if the land is vested in the Government, then with the permission in writing of the Deputy Commissioner, may take possession of the said land with its enclosing wall, hedge or fence, if any, and if necessary, clear the same; and the land so acquired shall thenceforward be deemed a part of the public street, and be vested in the municipal council.

(3) Compensation, the amount of which shall in case of dispute be ascertained and determined in the manner provided in section 172, shall be paid by the municipal council to the owner of any land added to a street under sub-section (1) or acquired under sub-section (2), for the value of the said land, and to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken by the municipal council under either of the said sub-sections, provided that no such compensation shall be payable in cases to which section 131 applies. Compensation payable by the municipal council.

(4) When the amount of compensation has been so ascertained and determined, or when a ruinous or dangerous building falling under sub-section (1) has been taken down under the provisions of section 131, the municipal council may, after tendering the amount of compensation, if any, as may be payable, take possession of the land so added to the street, and, if necessary, may clear the same.

107. The municipal council may, upon such terms as it thinks fit, allow any building to set forward for improving the line of any public street in which such building is situated. Setting forward to regular line of street.

108. (1) The municipal council may require any building intended to be erected at the corner of two streets to be rounded off or splayed off to such height and to such extent or otherwise as it may determine, and may acquire such portion of the site at the corner as it may consider necessary for public convenience or amenity. Buildings at corner of streets.

(2) For any land so acquired, the municipal council shall pay compensation.

(3) In determining such compensation, allowance shall be made for any benefit accruing to the same premises from the improvement of the streets.

109. (1) The external roofs and walls of buildings erected or renewed after the coming into force of this Act shall not be made of grass, wood, cloth, canvas, leaves, mats, or other inflammable materials, except with the written consent of the municipal council, which may be given either specially in individual cases, or generally in respect of any area specified therein. Roofs and external walls of buildings not to be made of inflammable materials.

Power to require removal of roof and wall if inflammable.

(2) The municipal council may, at any time, by written notice, require the owner of any building which has an external roof or wall made of any such materials as aforesaid, to remove such roof or wall within such reasonable time as shall be specified in the notice, whether such roof or wall was or was not made before the time at which this Act came into force, and whether it was made with or without the consent of the municipal council.

Penalty.

(3) Whoever, without such consent as is required by sub-section (1), makes, or causes to be made, or in disobedience to the requirements of a notice given under sub-section (2) suffers to remain, any roof or wall of such materials as aforesaid, shall be punished with a fine which may extend to twenty-five rupees, and with a further fine which may extend to ten rupees for every day on which offence is continued after the date of the first conviction.

Level of building.

110. No building shall hereafter be built upon a lower level than will allow of the drainage thereof being led into some public sewer or drain either then existing or projected by the municipal council, or into some stream or river, or some cesspool or other suitable place which may be approved of by the municipal council.

Rat-proof building for warehouse for storing grain.

111. The municipal council may require that any building, used or intended to be used as a warehouse for the storage of grain, shall be protected or erected so as to render such building rat-proof and may for this purpose prescribe the plan and the design to be adopted and the materials to be used for such building.

Notice of new buildings.

112. (1) Before beginning to construct any building, or to alter externally or add to any existing building, or to construct or reconstruct any projecting portion of a building in respect of which the municipal council is empowered by section 106 to enforce a removal or set back, or to construct or reconstruct which the municipal council is empowered by section 105 to give permission, the person intending so to construct, alter, add or reconstruct shall give to the municipal council notice thereof in writing and shall furnish to it at the same time, a plan showing the levels at which the foundation and lowest floor of such building are proposed to be laid, by reference to some level known to the municipal council, and all

information required by the bye-laws or demanded by the municipal council regarding the limits, dimension, design, ventilation and materials of the proposed building, and the intended situation and construction of the drains, sewers, privies, water-closets, and cesspools, if any, to be used in connection therewith, and the location of the building with reference to any existing or projected streets, and the purpose for which the building will be used.

Power of municipal council to pass orders.

(2) Save as otherwise provided in this Act or the rules and bye-laws thereunder, the municipal council may —

(*a*) either give permission to construct, alter, add or reconstruct according to the plan and information furnished, or

(*b*) impose in writing conditions, in accordance with this Act and the rules and bye-laws made thereunder, as to level, drainage, sanitation, design, materials or to the dimensions and cubical contents of rooms, doors, windows, and apertures for ventilation or to the number of storeys to be erected, or with reference to the location of the building in relation to any existing building or street, existing or projected, or the purpose for which the building is to be used, or

(*c*) direct that the work shall not be proceeded with, unless and until all questions connected with the respective location of the building and any such street have been decided to its satisfaction, or

(*d*) refuse permission to construct, alter, add or reconstruct according to the plan and information furnished, in case the municipal council is satisfied that the person so applying has no right to the land in question or has no right to construct, alter, add or reconstruct :

Provided that the direction in clause (*c*) shall not be in force after one year from the date on which the direction is given.

Or to suspend the work or to require further particulars.

(3) Before issuing any orders under sub-section (2), the municipal council may, within one month from the receipt of such notice, either issue,

(*a*) a provisional order directing that for a period, which shall not be longer than one month from the date of such order, the intended work shall not be proceeded with, or

(*b*) may demand further particulars.

Right to proceed in certain cases.

(4) A building proposed in a notice given under sub-section (1) may be proceeded with in such manner, as may have been specified in such notice, as is not inconsistent with any provision of this Act or of any bye-law for the time being in force thereunder in the following cases, that is to say :—

(*a*) in case the municipal council, within one month from the receipt of the notice given under sub-section (1), has neither—

(i) passed orders under sub-section (2), and served notice thereof in respect of the intended work; nor

(ii) issued under sub-section (3), any provisional order or any demand for further particulars ;

(*b*) in case the municipal council having issued such demand for, and having received in accordance with the bye-laws in force in this behalf, such further particulars, has issued no further orders within one month from the receipt of such particulars.

(5) No person who becomes entitled under sub-section (2) or sub-section (4) to proceed with any intended work of which notice is required by sub-section (1), shall commence such work after the expiry of the period of one year from the date on which he first became entitled so to proceed therewith, unless he shall have again become so entitled by a fresh compliance with the provisions of sub-sections (1) to (4).

(6) If any person begins or makes any building or alteration or addition without giving the notice required by sub-section (1), or without furnishing the plan or affording the information above prescribed, or except as provided in sub-section (4) without awaiting, or in any manner contrary to, such orders of the municipal council as may be issued under this section or contrary to the provisions of sub-section (4) or (5) or in any other respect contrary to the provisions of this Act or of any bye-law in force thereunder,

(i) the municipal council may, whether any action is taken or not against such persons under clause (ii) of this section,

(*a*) direct that the building, alteration or addition be stopped, and

(*b*) by written notice, require such building, alteration or addition to be altered or demolished as it may deem necessary ;

(ii) such person shall be punishable with fine which may extend to five hundred rupees or with simple imprisonment which may extend to one month or with both.

(7) The municipal council or any officer deputed by it may at any time inspect the erection of any building without giving notice of its or his intention to do so, and at any time during the erection of a building or the execution of any such work as aforesaid, may by written notice specify any matter in respect of which the erection of such building, or the execution of such work, may be in contravention of any provision of this Act or of any bye-law made under this Act at the time in force, and require the person erecting or executing, or who has erected or executed such building or work, or if the person who has erected or executed such building or work is not at the time of notice the owner thereof, then the owner of such building or work to cause anything done contrary to any such provision or bye-law to be amended, or to do anything which, by any such provision or bye-law, he may be required to do but which has been omitted.

Explanation.—The expression " to erect a building " throughout this chapter includes—

(*a*) any material alteration, enlargement or reconstruction of any building,

(*b*) the conversion into a place as human habitation of any building not originally constructed for human habitation,

(*c*) the conversion into more than one place for human habitation of a building originally constructed as one such place,

(*d*) the conversion of two or more places of human habitation into a greater number of such places,

(*e*) such alterations of the internal arrangements of a building as affect its drainage, ventilation or other sanitary arrangements, or its security or stability, and

(*f*) the addition of any rooms, buildings or other structures to any building.

And a building so altered, enlarged, re-constructed, converted, or added to, shall, for the purpose of this chapter be deemed to be a new building.

Power of Government to prohibit the erection of buildings in certain area without permission.

113. (1) Notwithstanding anything contained in section 118, the Government may, in the public interest and after consulting the municipal council, prohibit by notification published in the *Mysore Gazette* the erection of any building within a specified area in a municipality, except with permission granted by the Government in this behalf :

Provided that such permission shall not be refused in the case of land which has been set apart as a building site by the Government or the municipal council prior to the publication of such notification.

(2) The grant of any permission under sub-section (1) may be subject to such conditions as may be fixed by the Government in each case or prescribed generally.

(3) Whoever erects any building contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2) shall, on conviction before a magistrate, be punished with fine which may extend to two hundred rupees.

(4) The Government may demolish any building erected contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2).

Regulation of huts.

114. It shall not be lawful for any person to erect any hut or shed or range or block of huts or sheds, or to add any hut or shed to any range or block of huts or sheds already existing when this Act comes into operation, without giving previous notice to the municipal council, and the municipal council may require such huts or sheds to be built so that they may stand in regular lines, with a free passage or way in front of and between every two lines of such width as the municipal council may think proper for ventilation and to facilitate scavenging, and at such a level as will admit of sufficient drainage, and may require such huts to be provided with such number of privies and such means of drainage as to it may seem necessary. If any hut or shed or range or block be built without giving such notice to the municipal council, or otherwise than as required by the municipal council, the municipal council may give written notice to the owner or builder thereof or to the owner or occupier of the land

on which the same is erected or is being erected, requiring him within such reasonable time as shall be specified in the notice to take down and remove the same, or to make such alterations therein or additions thereto as, having regard to sanitary considerations, the municipal council may think fit.

Improvement of huts.

115. (1) Whenever the president is of opinion that any huts or sheds, whether used as dwellings or stables or for any other purposes, and whether existing at the time when this Act comes into operation, or subsequently erected, are by reason—

(*a*) of insufficient ventilation or of the manner in which such huts or sheds are crowded together, or

(*b*) of the want of a plinth or of a sufficient plinth or of sufficient drainage, or

(*c*) of the impracticability of scavenging,

attended with risk of disease to the inhabitants of the neighbourhood, it shall cause a notice to be affixed to some conspicuous part of each such hut or shed, requiring the owner or occupier thereof, or the owner of the land on which such hut or shed is built, within such reasonable time as may be fixed by the president for that purpose, to take down and remove such hut or shed, or to execute such operations as the president may deem necessary for the avoidance of such risk. Any person aggrieved by an order of the president under this sub-section may apply to the municipal council to cancel, amend or revise such order and the municipal council may, on such application cancel, amend or otherwise revise the order of the president.

(2) In case any such owner or occupier shall refuse or neglect to take down and remove such huts or sheds, or to execute such operations within the time appointed, the president may cause the said huts or sheds to be taken down, or such operations to be performed in respect of such huts or sheds as it may deem necessary to prevent such risk.

(3) If such huts or sheds be pulled down by the president, the president shall cause the materials of each hut or shed to be sold separately, if such sale can be effected, and the proceeds, after deducting all expenses, shall be paid to the owner of the hut or shed, or if the owner be unknown or the title disputed, shall be held in deposit by the president until the person interested

therein shall obtain the order of a competent Court for the payment of the same :

Provided always that, in case any huts or sheds, existing at the time when the land on which they are situate, first became part of a municipality, should be pulled down under this section by order of the president or in pursuance of its notice, compensation shall further be made to the owner or owners thereof, and the amount thereof, in case of dispute, shall be ascertained and determined in the manner provided in section 172.

(3) *Powers connected with drainage, water-works, etc.*

Municipal control over drains, etc.

116. (1) All sewers, drains, privies, water-closets, house-gullies and cesspools within the municipality shall be under the survey and control of the municipal council.

(2) All covered sewers and drains, and all cesspools, whether public or private, shall be provided by the municipal council or other person to whom they severally belong, with proper traps, or other coverings or means of ventilation, and the municipal council may, by written notice, call upon the owner of any such covered sewers, drains or cesspools to make provision accordingly.

Powers for making drains.

117. (1) In order to carry out any drainage scheme, it shall be lawful for a municipal council to carry any drain, sewer, conduit, tunnel, culvert, pipe or water-course through, across or under any street or any place laid out as or intended for a street, or under any cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the municipality.

(2) The municipal council or any officer appointed by it for such purpose may enter upon and construct any new drain in the place of an existing drain in any land wherein any drain vested in the municipal council has been already constructed, or may repair or alter any drain vested in the municipal council.

(3) In the exercise of any power under this section, no unnecessary damage shall be done, and compensation, which shall, in case of dispute, be ascertained and determined in the manner provided in section 172 shall be paid by the municipal council to any person who sustains damage by the exercise of such power.

Sufficient drainage of houses.

118. (1) If any building or land be at any time undrained, or not drained to the satisfaction of the municipal council, the municipal council may, by written notice, call upon the owner to construct or lay from such building or land a drain or pipe of such size and materials, at such level, and with such fall as it thinks necessary for the drainage of such building or land into—

(*a*) some drain or sewer, if there be a suitable drain or sewer within fifty feet of any part of such building or land, or

(*b*) a covered cesspool to be provided by such owner.

New buildings not to be erected without drains.

(2) It shall not be lawful newly to erect any building, or to rebuild any building, or to occupy any building newly erected or rebuilt, unless and until—

(*a*) a drain be constructed, of such size, materials and description, at such level, and with such fall, as shall appear to the municipal council to be necessary for the effectual drainage of such building;

(*b*) there have been provided for and set up in such building and in the land appurtenant thereto all such appliances and fittings as may appear to the municipal council to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said building and the said land and of effectually flushing the drain of the said building and every fixture connected therewith.

(3) The drain to be constructed as aforesaid shall empty into a municipal drain, or into some place legally set apart for the discharge of drainage, situated at a distance not exceeding fifty feet from such building; but if there is no such drain or place within that distance, then such drain shall empty into such cesspool as the municipal council directs.

Power of owners and occupiers of buildings or lands to drain into municipal drains.

119. The owner or occupier of any building or land within the municipality shall be entitled to cause his drain to empty into sewers of the municipal council, provided that he first obtains the written permission of the municipal council, and that he complies with such conditions as the municipal council prescribes, as to the mode in which the superintendence under which the communications are to be made between drains not vested in the municipal council and drains which are so vested.

Provision of privies, etc.

120. (1) In case the municipal council shall be of opinion that any privy, or cesspool, or additional privies, or cesspools, should be provided in or on any building or land, or shifted or removed from any building or land or, in any municipality in which a water-closet system has been introduced, that water-closets should be substituted for the existing privies in or on any building or land, or that additional water-closets should be provided therein or thereon, the municipal council may, by written notice, call upon the owner of such building or land to provide such privies, cesspools or water-closets as the municipal council may deem proper.

(2) The municipal council may, by written notice, require any person or persons employing workmen or labourers exceeding twenty in number, or owning or managing any market, school or theatre or other place of public resort, to provide such latrines and urinals as the municipal council may direct, and to cause the same to be kept in proper order, and to be daily cleaned.

(3) The municipal council may, by written notice, require the owner or occupier of any land upon which there is a privy, to have such privy shut out, by a sufficient roof and a wall or fence, from the view of persons passing by or resident in the neighbourhood, or to alter as it may direct any privy door or trap door which opens on to any street, and which it deems to be a nuisance.

Cost of altering, repairing and keeping in proper order privies, etc.

121. (1) All sewers, drains, privies, water-closets, house-gullies and cesspools within the municipality shall, unless constructed at the cost of the municipal council, be altered, repaired, and kept in proper order at the cost and charges of the owners of the land and buildings to which the same belong, or for the use of which they are constructed or continued, and the municipal council may, by written notice, require such owner to alter, repair and put the same in good order in such manner as it thinks fit.

(2) The municipal council may, by written notice, require the owner to demolish or close any privy or cesspool, whether constructed before or after the coming into operation of this Act, which, in the opinion of the municipal council, is a nuisance, or is so constructed as to be inaccessible for the purpose of scavenging or incapable of being properly cleaned or kept in good order.

Power in respect of sewers, etc., unauthorisedly constructed, rebuilt or unstopped.

122. The municipal council may, by written notice require that any sewer, drain, privy, water-closet, house-gully or cesspool on any land within municipal limits, constructed, or rebuilt or unstopped—

(*a*) after such land became part of a municipality, and

(*b*) either without the consent or contrary to the orders, directions or general regulation or bye-laws of the municipal council, or contrary to the provisions of any enactment in force at the time when it was so constructed, rebuilt or unstopped,

shall be demolished, amended or altered, as it may deem fit, by the person by whom it was so constructed, rebuilt or unstopped, and every person so constructing, rebuilding or unstopping, any such sewer, drain, privy, water-closet, house-gully or cesspool, whether he does or does not receive such notice, or does or does not comply therewith, shall, in addition to any penalty to which he may be liable on account of such non-compliance, be punished with fine which may extend to twenty-five rupees.

Encroachment on municipal drains, etc.

123. (1) Whoever, without the written consent of the municipal council first obtained, makes or causes to be made any drain into or out from any of the sewers or drains vested in the municipal council, shall be punished with fine which may extend to twenty-five rupees, and the municipal council may, by written notice, require such person to demolish, alter, re-make or otherwise deal with such drain as it may think fit.

(2) No building shall be newly erected or rebuilt over any sewer, drain, culvert or gutter vested in the municipal council without the written consent of the municipal council, and the municipal council may, by written notice, require the person who may have erected or rebuilt such building to pull down or otherwise deal with the same as it may think fit.

Inspection of drains, etc.

124. The municipal council or any officer appointed by it for such purposes may, subject to the restrictions of this Act, inspect any sewer, drain, privy, water-closet, house-gully or cesspool, and for that purpose, at any time between sunrise and sunset, may enter upon any lands or buildings with assistants and workmen, and cause the ground to be opened where he or it may think fit, doing as little damage as may be.

Power of carrying water mains, etc.

125. The water supply department of the Government or the municipal council, as the case may be, in whom the duty of construction and maintenance of water works for supply of water to the municipality vests, shall have the same powers and be subject to the same restrictions for carrying, renewing and repairing water mains, pipes and ducts within or without the municipality as the municipal council has and is subject to, under the provisions hereinbefore contained for carrying, renewing and repairing drains within the municipality.

(4) *Powers regarding external structures, etc.*

Permission necessary for certain projections.

126. (1) The municipal council may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies, or rooms, to project from any upper storey thereof, at such height from the surface of the street as the municipal council may fix by bye-laws from time to time, and to an extent not exceeding four feet beyond the line of the plinth or basement wall, and may prescribe the extent to which and the conditions under which roofs, eaves, weather-boards, shop-boards and the like may be allowed to project over such streets.

(2) Any such owner or occupier putting up any such projections as aforesaid without such permission or in contravention of such orders, shall be punished with fine which may extend to twenty-five rupees, and if any such owner or occupier fails to remove any such projection as aforesaid in respect of which he has been convicted under this section, he shall be punished with further fine which may extend to five rupees for each day on which such failure or neglect continues.

Removal of projections.

(3) The municipal council may, by written notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction which, whether erected before or after the site of such building became part of a municipality, shall have been erected or placed against or in front of such building, and which—

(*a*) overhangs or juts into or in any way projects or encroaches upon any public street, so as to be an obstruction to safe and convenient passage along such street, or which

(*b*) projects and encroaches into or upon any uncovered aqueduct, drain or sewer in such street, so as to obstruct or interfere with such aqueduct, drain or sewer or the proper working thereof:

Provided always that the municipal council shall, if such projection, encroachment or obstruction shall have been made in any place before the date on which such place became part of a municipality, or after such date with the written permission of the municipal council make reasonable compensation to every person who suffers damage by such removal or alteration; and if any dispute shall arise touching the amount of such compensation, the same shall be ascertained and determined in the manner provided in section 172.

Troughs and pipes for rain water.

127. The municipal council may, by written notice, require the owner of every building in any street to put up and keep in good condition proper troughs and pipes for catching and carrying the water from the roof and other parts of such building, and for discharging the same, in such manner as it may think fit, so that it shall not fall upon the persons passing along the street or cause damage to the street.

Fixing of brackets, etc., to houses.

128. The municipal council may erect or fix to the outside of any building, brackets for lamps to be lighted with oil or gas, or subject to the provisions of any law in force relating to electricity, for lamps to be lighted with electricity or otherwise, or subject to the provisions of the law in force relating to telegraphs, for telegraph wires or telephonic wires, or for the conduct of electricity for locomotive or other purposes, or such pipes as it may deem necessary for the proper ventilation of sewers and water-works, and such brackets and pipes shall be erected so as not to occasion any inconvenience or nuisance to the said building or any others in the neighbourhood.

Naming streets and numbering houses.

129. (1) The municipal council may, from time to time, cause to be put up or painted on a conspicuous part of any building at or near each end, corner, or entrance to every street, the name by which such street is to be known and may, from time to time, fix a number in a conspicuous place on the outer side of any building, or at the entrance of the enclosure thereof fronting the street.

(2) Any person who destroys, pulls down or defaces any such name or number, or puts any name or number different from that put up by the municipal council and any owner or occupier of any building who shall not at his own expense keep such number in good order after it has been put up thereon, shall be punished with fine which may extend to twenty-five rupees.

Removal and trimming of hedges, trees, etc.

130. The municipal council may, by written notice, require the owner or occupier of any land so to trim or prune the hedges thereof bordering any public street that the said hedges may not exceed the height of four feet from the level of the street, and width of four feet, and to cut down, lop or trim all trees or shrubs which in any way overhang, endanger or obstruct or which it deems likely to overhang, endanger or obstruct any public street or to cause damage thereto, or which so overhang any public tank, well or other provision for water-supply as to pollute or be likely to pollute the water thereof.

(5) *Powers for promotion of public health, safety and convenience.*

Ruinous or dangerous buildings.

131. (1) If any building or any thing affixed thereon, be deemed by the municipal council to be in a ruinous state or likely to fall, or in any other way dangerous to any inhabitant of such building, or of any neighbouring building, or to any occupier thereof, or to passengers, the municipal council shall immediately, if it appears to it to be necessary, cause a proper hoarding or fence to be put up for the protection of passengers; all expenses incurred by the municipal council under this sub-section shall be paid by the owner or occupier of such building, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Action to be taken on default by owner or occupier.

(2) The municipal council shall also cause notice in writing to be given to the owner or occupier, requiring such owner or occupier forthwith to take down, secure, or repair such building or thing affixed thereon, as the case shall require, and if such owner or occupier does not begin to repair, take down, or secure such building or thing within three days after the service of such notice, and complete such work with due diligence, the municipal

council shall cause all or so much of such building or thing, as it shall think necessary, to be taken down, repaired, or otherwise secured :

Proviso if danger is not imminent.

Provided always that if the danger be not of hourly imminence, it shall be at the discretion of the municipal council, instead of itself causing a hoarding or fence to be put up, to issue in the first instance a notice in writing to the owner or occupier to put up a proper hoarding or fence, and in the event of the owner or occupier failing to put up within two days from the service of such notice, a hoarding or fence which the municipal council considers sufficient in the circumstances of the case, the municipal council shall at once cause such hoarding or fence to be put up and thereafter proceed as provided in sub-sections (1) and (2).

Powers and duties with regard to dangerous, stagnant or insanitary sources of water-supply.

132. (1) The municipal council may at any time by written notice require that the owner of, or any person who has the control over, any well, stream, channel, tank or other source of water-supply shall, whether it is private property or not,

(*a*) keep and maintain any such source of water-supply, other than a stream, in good repair, or

(*b*) within a reasonable time to be specified in the notice, cleanse any such source of water-supply from silt, refuse and decaying vegetation, or

(*c*) in such manner as the municipal council prescribes, protect any such source of water-supply from pollution by surface drainage, or

(*d*) within twenty-four hours of such notice, repair, protect or enclose in such manner as the municipal council approves, any such source of water-supply, other than a stream in its natural flow, if for want of sufficient repair, protection or enclosure, such source of water-supply is, in the opinion of the municipal council, dangerous to the health or safety of the public or of any persons having occasion to use or to pass or approach the same, or

(*e*) desist from using and from permitting others to use for drinking purposes any such source of water-supply which, not being a stream in its

natural flow, is proved to the satisfaction of the municipal council to be unfit for drinking; or

(*f*) if, notwithstanding any such notice under clause (*e*), such use continues and cannot, in the opinion of the municipal council, be otherwise prevented, close either temporarily or permanently or fill up or enclose or fence in such manner as the municipal council considers sufficient to prevent such use, such source of water-supply as aforesaid; or

(*g*) drain off or otherwise remove from any such source of water-supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto, any stagnant water which the municipal council considers is injurious to health or offensive to the neighbourhood.

Remedy for non-compliance with direction issued.

(2) If the owner or person having control as aforesaid fails or neglects to comply with any such requisition within the time required by or under the provisions of sub-section (1), the municipal council may, and if, in its opinion, immediate action is necessary to protect the health or safety of any person shall at once proceed to execute the work required by such notice, and all the expenses incurred therein by the municipal council shall be paid by the owner of, or person having control over, such water-supply, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII:

Provided that, in the case of any well or private stream or of any private channel, tank or other source of water-supply, the water of which is used by the public or by any section of the public as of right, the expenses incurred by the municipal council or necessarily incurred by such owner or person having such control may, if the municipal council so directs, be paid from the municipal fund.

Displacing pavements, etc.

133. (1) Whoever displaces, takes up, or makes any alteration in the pavement, gutter, flags, or other materials, of any public street, or the fences, walls, or posts thereof, or any municipal lamp, lamp-post, bracket, water-post, hydrant, or other such municipal property therein, without the written consent of the municipal council or other lawful authority, shall be punished with fine which may extend to one hundred rupees.

Penalty for failure to replace after notice.

(2) Any person who having displaced, taken up or made alteration in any such pavement, gutter, flags, or other materials, or in the fences, walls, posts, municipal lamps, lamp-posts, brackets, water-posts, hydrants, or other municipal property of any public street, fails to replace or restore the same to the satisfaction of the municipal council after notice to do so, shall be punished with fine which may extend to fifty rupees, and shall pay any expense which may be incurred in restoring the street, and such expense shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Obstruction and encroachments upon public streets and open spaces.

134. (1) Whoever in any place after it has become a municipality shall have built or set up, or shall build or set up, any wall or any fence, rail post, stall, verandah, platform, plinth, step or any projecting structure or thing, or other encroachment or obstruction except steps over drains in any public street, or shall deposit or cause to be placed or deposited any box, bale, package or merchandise or any other thing in such street, or in or over or upon, any open drain, gutter, sewer, or aqueduct in such street, shall be punished with fine which may extend to twenty-five rupees.

(2) The municipal council shall have power to remove any such obstruction or encroachment, and shall have the like power to remove any unauthorised obstruction or encroachment of the like nature in any open space not being private property, whether such space is vested in the municipal council or not, provided that if the space be vested in the Government, the permission of the Deputy Commissioner shall have first been obtained and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

(3) Whoever, not being duly authorised in that behalf, removes earth, sand, or other material from, or makes any encroachment in or upon, any open space which is not private property shall be punished with fine which may extend to fifty rupees, and in the case of an encroachment, with further fine which may extend to ten rupees

for every day on which the encroachment continues after the date of first conviction for such offence.

(4) Nothing contained in this section shall prevent the municipal council from allowing any temporary occupation of or erection in any public street on occasions of festivals and ceremonies, or the piling of fuel in by-streets and spaces for not more than four days, and in such manner as not to inconvenience the public or any individual.

(5) Nothing contained in this section shall apply to any projection duly authorised under sub-section (1) of section 126, or in any case where permission has been given under sub-section (4) of this section.

Hoardings to be set up during repairs, etc.

135. (1) Every person intending to build or take down any building, or to alter or repair the outward part of any building, in such a position or in such circumstances as that the work is likely to cause or may cause obstruction, danger or inconvenience in any street, shall before beginning such work—

(*a*) first obtain a licence in writing from the municipal council so to do, and

(*b*) cause sufficient hoardings or fences to be put up in order to separate the building where such works are being carried on from the street, and shall maintain such hoarding or fence standing and in good condition to the satisfaction of the municipal council during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night, and shall remove the same when directed by the municipal council.

(2) Whoever contravenes any of the provisions of this section shall be punished with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues, after the date of the first conviction.

Fencing and lighting during repairs, etc.

136. (1) The municipal council shall, during the construction or repair of any of the streets, sewers, drains or other premises vested in it, take proper precaution for guarding against accident, by shoring up and protecting the adjoining buildings, and shall cause such bars, chains

or posts to be fixed across or in any of the streets, to prevent the passage of carriages, carts, or other vehicles or of cattle or horses, while such works are carried on, as to it shall seem proper; and the municipal council shall cause any sewer or drain or other works in streets, during the construction or repair thereof, to be lighted with a sufficient light and guarded during the night.

(2) Whoever takes down, alters or removes any of the said bars, chains or posts, or removes or extinguishes any such light, without the authority or consent of the municipal council, shall be punished with fine which may extend to fifty rupees.

Timber not to be deposited or hole made in a street without permission.

137. (1) No person shall, without the written permission of the municipal council or otherwise than in accordance with such conditions as may therein be prescribed, make a hole in any street, or erect or deposit thereon any timber, stone, brick, earth or other material that has been, or is intended to be, used for building; and such permission shall be terminable at the discretion of the municipal council; and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed, or the hole is filled up or otherwise made secure, to the satisfaction of the municipal council, and shall cause the same to be sufficiently lighted during the night.

(2) Whoever contravenes any of the provisions of sub-section (1) shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues after the date of the first conviction.

Provision as to dogs.

138. (1) The municipal council may, by public notice require that every dog, while in the streets and not being led by some person, shall be muzzled in such a way as to allow the dog freely to breathe and to drink, while effectually preventing it from biting.

(2) Subject to the provisions of sub-section (3), the municipal council may take possession of any dog found wandering unmuzzled in any public place and may either detain such dog until its owner has claimed it, has provided

a proper muzzle for it and has paid all the expenses of its detention, or cause it to be destroyed.

(3) When a dog which has been detained under the last preceding sub-section is wearing a collar with the owner's name and address thereon, such dog shall not be destroyed until a letter stating the fact that it has been so detained has been sent to the said address, and the dog has remained unclaimed for three clear days : provided that any dog which is found to be rabid may be destroyed at any time.

(4) Any unclaimed dog and any dog, the owner of which refuses to pay all the expenses of its detention, may be sold or destroyed, after having been detained for the said period of three clear days.

(5) All expenses incurred by the municipal council under this section may be recovered from the owner of any dog which has been taken possession of or detained in the manner provided by Chapter VIII.

(6) Powers for the prevention of nuisance.

Depositing dust, etc.

139. (1) Whoever deposits or causes or suffers any member of his family or household to deposit any dust, dirt, dung, ashes, garden, kitchen or stable refuse or filth of any kind, or any animal matter or any broken glass or earthenware or other rubbish or any other thing that is or may be a nuisance, in any street or in any arch under a street or in any drain beside a street or on any open space or on the bank of any river, water-course or nallah, except at such places, in such manner, and at such hours as shall be fixed by the municipal council, and whoever commits or suffers any member of his family to commit nuisance in any such place as aforesaid, shall be punished with fine which may extend to twenty-five rupees.

(2) Whoever throws or puts or causes or suffers any member of his family or household to throw or put any of the matter above described or, except with the permission of the municipal council, any night-soil into any sewer, drain, culvert, tunnel, gutter or water-course, and whoever commits nuisance, or suffers any member of his family to commit nuisance, in any such drain, culvert, tunnel or water-course, or in such close proximity thereto as to pollute the same, shall be punished with fine which may extend to twenty-five rupees.

Discharging sewage, etc.

140. Whoever causes or allows the water of any sink or sewer or any other liquid or other matter which is or which is likely to become offensive, from any building or land under his control, to run, drain, or be thrown or put upon any street or open space, or to soak through any external wall, or causes or allows any offensive matter from any sewer or privy to run, drain or be thrown into a surface drain in any street, without the permission in writing of the municipal council or who fails to comply with any condition prescribed in such permission, shall be punished with fine which may extend to twenty-five rupees.

Non-removal of filth, etc.

141. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, nightsoil, filth or any noxious or offensive matter, in or upon such building or land, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth from and to cleanse and purify such receptacle, or keeps or allows to be kept in or upon such building or land any animal in such a way as to cause a nuisance, shall be punished with fine which may extend to twenty-five rupees and with further fine which may extend to five rupees for every day on which such offence is continued, after the date of the first conviction.

Filthy buildings, etc.

142. (1) Whoever, being the owner or occupier of any building or land, whether tenantable or otherwise, suffers the same to be in a filthy and unwholesome state or in the opinion of the municipal council a nuisance to persons residing in the neighbourhood, or overgrown with prickly-pear or rank and noisome vegetation, and who shall not, within a reasonable time after notice in writing by the municipal council to cleanse, clear or otherwise put the same in a proper state, have complied with the requisition contained in such notice, shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to five rupees for every day on which the failure to comply with the said notice is continued, after the date of the first conviction.

(2) Should the state of the building be such as in the judgment of the municipal council to render it unfit

for human habitation, it may further, by written notice, prohibit the using thereof for that purpose until it is so rendered fit.

Power to enter and inspect, etc., buildings.

143. It shall be lawful for the president, vice-president, or any councillor or officer authorised by the municipal council in this behalf, at any time between sunrise and sunset, on giving such notice as hereinafter provided, to enter into and inspect all buildings and lands and by written notice to direct all or any part thereof to be forthwith internally and externally limewashed or otherwise cleansed for sanitary reasons.

Abatement of nuisances from wells, etc.

144. (1) If, in the opinion of the municipal council—

(*a*) any pool, ditch, quarry, hole, excavation, tank, well, pond, drain, water-course, or any collection of water, or

(*b*) any cistern or other receptacle for water whether within or outside a building, or

(*c*) any land on which water accumulates and which is situate within a distance of one hundred yards from any building used as a dwelling house,

is or is likely to become a breeding place of mosquitoes or in any other respect a nuisance, the municipal council may, by notice in writing, require the owner thereof to fill up, cover over or drain off the same in such manner and with such materials as the municipal council shall prescribe or to take such order with the same for removing or abating the nuisance as the municipal council shall prescribe.

(2) (*a*) No new tank or pond shall be dug or constructed without the previous permission in writing of the municipal council.

(*b*) If any such work is begun or completed without such permission, the municipal council may either—

(i) by written notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the municipal council shall prescribe ; or

(ii) grant written permission to retain such work ; but such permission shall not exempt such owner from proceedings for contravening the provisions of clause (*a*) of this sub-section.

Regulation or prohibition of certain kinds of cultivation.

145. The municipal council, on the report of the Director of Public Health, the health officer, or the local medical officer that the cultivation of any description of crop, or the use of any kind of manure, or the irrigation of land in any place within the limits of the municipality is injurious to the public health may, with the previous sanction of the Government, by public notice, regulate or prohibit the cultivation, use of manure, or irrigation so reported to be injurious:

Provided that when such cultivation or irrigation has been practised during the five years preceding the date of such public notice with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested for any damage caused to them by absolute prohibition.

Using offensive manure, etc.

146. Whoever, except with the written permission of the municipal council, and in the way, if any, enjoined in such permission, stores or uses nightsoil or other manure or substance emitting an offensive smell shall be punished with fine which may extend to twenty-five rupees.

Tethering cattle, etc.

147. (1) Whoever tethers cattle or other animals, or causes or suffers them to be tethered by any member of his family or household, in any public street or place so as to obstruct or endanger the public traffic therein, or to cause a nuisance, or who causes or suffers such animals to stray about without a keeper, shall be punished with fine which may extend to twenty-five rupees.

Keeping swine.

(2) Whoever keeps any swine so as to be a nuisance shall be punished with fine which may extend to ten rupees.

Feeding animals on filth.

148. Whoever feeds any animal which is kept for dairy purposes or is intended for human food on excrementitious matter, stable refuse, filth, or other offensive matter, or permits such animal to feed or to be fed on such matter, shall be punished with fine which may extend to fifty rupees.

Licences to be taken for burning bricks.

149. (1) No place within municipal limits shall be used for burning bricks without a licence from the municipal

council and except in accordance with the conditions specified therein.

(2) The municipal council may, by an order and under such restrictions as it thinks fit, grant or refuse to grant such licence.

(3) Every such licence shall expire on such date as may be specified therein.

(7) Regulation of markets, sale of food, etc.

Licensing markets, slaughter-houses and certain businesses.

150. (1) It shall be lawful for the municipal council to direct that no place not belonging to or vested in the municipal council shall be used for any of the purposes specified in sub-clauses (i), (ii), (iv) and (v) of clause (*b*) of sub-section (1) of section 48, except under and in accordance with the conditions of a licence from the municipal council which may, at its discretion from time to time, grant, suspend, withhold or withdraw such licences either generally or in individual cases.

(2) The municipal council may, having regard to the local conditions of the municipality, fix the number and category of places which may be used for the purposes specified in sub-clause (iv) of clause (*b*) of sub-section (1) of section 48, and direct the closure of such places, as may be specified by it, used for the said purposes, in excess of those fixed by it :

Provided that no place shall be directed to be closed except after notice of not less than thirty days.

(3) Whoever uses or permits the use of any place contrary to the direction, or without the licence required by sub-section (1), or in contravention of any of the conditions or during the suspension or contrary to a direction under sub-section (2) directing the closure of the place, shall be punished with fine which may extend to twenty-five rupees.

(4) Upon a conviction being obtained in respect of any place under sub-section (3) of this section, the magistrate shall, on the application of the municipal council but not otherwise, order such place to be closed, and thereupon appoint persons or take other steps to prevent such place being so used ; and every person who so uses or permits the use of a place after it has been so ordered to be closed,

shall be punished with fine which may extend to five rupees for each day during which he continues so to use, or permits such use of, the place after it has been so ordered to be closed.

Opening, closing and letting of markets and slaughter-houses.

151. (1) The municipal council may, from time to time, open or close any public market or slaughter-house. It may also either take stallage or other rents or fees for the use by any person of any such market or slaughter-house or from time to time sell by public auction or otherwise the privilege of occupying any stall or space in, or of otherwise using, any such market or slaughter-house, and levy fees on any animal slaughtered in any slaughter-house, for purposes of consumption.

(2) Any person who, without the permission or licence of the municipal council, shall sell or expose for sale any article in the said markets, or use the said slaughter-houses, shall be punished with fine which may extend to twenty-five rupees.

(3) It shall be lawful for the municipal council to lease for a period not exceeding one year at a time by public auction or private contract the collecting of any rent or fees which may be imposed under sub-section (1).

Slaughter-houses, etc., beyond municipal limits.

152. It shall be lawful for the municipal council with the sanction of the Deputy Commissioner, to establish slaughter-houses, or places for the disposal of carcasses of animals, beyond the limits of the municipality, and all provisions of this Act and of bye-laws in force thereunder relating to such places within municipal limits shall have full force therein, as if such places were within the municipal limits.

Registry for shops for sale of European drugs.

153. (1) No shop or place shall be kept for the retail sale of drugs recognised by the British Pharmacopœia, not being also articles of ordinary domestic consumption, unless the same is registered in the office of the municipal council within two months after the commencement of this Act or if the shop or place is established after the commencement of this Act then, within two months from the date of its establishment. Any keeper of such shop or place failing to so register the same shall be liable to a fine not exceeding one hundred rupees. The municipal council shall, upon payment of such fees as may be

prescribed in this behalf, register such shop or place in a book kept for the purpose and grant the keeper of the shop or place a licence which shall be displayed in some conspicuous part of the premises registered.

Certificated dispensers.

(2) No person shall compound, mix, prepare, dispense or sell any drug in any such registered shop or place unless he be duly certified as a fit person to be entrusted with the duties prescribed in this behalf; and every such person shall be bound to produce his certificate for inspection when required to do so by a magistrate, a medical officer not below the rank of an assistant surgeon or the health officer of the municipality.

Uncertificated person dispensing drugs.

154. (1) Whoever, within a municipality, not being the holder of such certificate as is mentioned in sub-section (2) of section 153, shall compound, mix, prepare or sell any drugs, shall, on conviction before a magistrate, be liable to a fine not exceeding fifty rupees for each offence; and any owner, occupier or keeper of any such shop or place who shall employ any such uncertificated person to perform any one or more of such duties, shall, on conviction before a magistrate, be liable to a fine not exceeding two hundred rupees and shall be further liable at the discretion of such magistrate to forfeit his licence.

(2) Whoever, being the holder of such a certificate as is mentioned in sub-section (2) of section 153, fails to produce the same for inspection when called upon to do so by any of the officers mentioned in the said sub-section shall, on conviction before a magistrate, be liable to a fine not exceeding ten rupees.

Unwholesome articles of food and drink.

155. (1) The president or any person authorised by the municipal council in this behalf, may, at any reasonable time, enter into and inspect any market, building, shop, stall or place used for the storage or sale of articles of food or drink or of drugs, or used for the slaughter of animals, and examine any article of food or drink or any drug or animal which may be therein, and if any article of food or drink or any drug or animal therein appears to be intended for human consumption and to be unfit therefor, he may seize the same.

(2) If the owner or person in whose possession such article, drug or animal is found consents thereto, the president or the authorised person may destroy it, or

dispose of it so as to prevent its being exposed for sale or use for human consumption.

(3) If such article or drug is of a perishable nature, it may be disposed of in the manner specified in sub-section (2) without the consent of the person in possession.

(4) No article of food or drink shall be exposed for sale without proper and hygienic protection.

(5) In cases not falling under sub-sections (2) and (3), the article, drug or animal seized as aforesaid shall be removed forthwith and placed before a magistrate for orders under sub-section (6).

(6) If any animal, article or drug is brought before a magistrate under sub-section (5), the magistrate, on its being proved that the article or animal was intended for human consumption and is unfit therefor, or that the drug is adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may order the article or animal to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for human consumption, and the drug to be dealt with, as he may think fit, and may direct that the owner or person in possession of such article, animal or drug shall be punished with fine which may extend to one hundred rupees:

Provided that a person who is in possession of any article or animal or drug as a carrier or bailee thereof, in ignorance of its nature shall not be liable to fine under this section.

False weights and measures and instruments for weighing.

156. The president, vice-president, executive officer and health officer or any councillor or officer authorised by the municipal council in this behalf, may at all reasonable times enter into any place used for the sale of articles used for human food or drink or for medicine, and inspect the instruments for weighing and the weights and measures in use; and if the person in charge be found in possession of any false or defective weights or measures, or of weights or measures or of any instruments for weighing by the use of which the public may be defrauded, he shall be punished with fine which may extend to two hundred and fifty rupees.

(8) *Prevention of Dangerous Diseases.*

Powers which may at any time be exercised.

157. (1) Every municipal council may, subject to such limitations, restrictions and conditions, if any, as may be prescribed in this behalf, exercise all or any of the powers specified in sub-section (2) for the prevention of dangerous diseases.

(2) The powers, which may be exercised under the preceding sub-section are—

(*a*) power by orders, which may be either of special or general application, to direct that every medical practitioner who knows or may have reason to believe that any person whom he has visited in his professional capacity in any dwelling not being a hospital, or that every manager of any factory or educational institution, or every head of a household, who knows or has reason to believe that any person who resides in any dwelling under the management or control of any such manager or head of a household, is suffering from any illness which may reasonably be supposed to be a dangerous disease, shall give information of the same with the least practicable delay to such person as may be designated by the municipal council in that behalf;

(*b*) power to direct or authorise the inspection without notice, or with such notice as to the person directed or authorised to inspect appears reasonable of any place in which any dangerous disease is reported or suspected to exist and the taking of measures to prevent the spread of the disease beyond such place;

(*c*) power to prohibit the removal of water for the purpose of drinking from any well, tank or other place, which may appear to the municipal council, on the advice of the medical officer, likely to engender or cause the spread of any dangerous disease;

(*d*) power to require, by written notice, the owner or occupier of any building, or part of a building, or a person owning or in charge of any article therein, to cleanse or disinfect such building or part thereof or article, either at his own expense, or

in case of poverty, or for other cause which the municipal council in the circumstances of the case considers reasonable, at the expense of the municipal council;

(*e*) power to prohibit the letting of or the providing of accommodation in any hotel, inn, dharmasala, chattram or musafirkhana in which a person has, or in which there is reason to believe that a person has, been suffering from a dangerous disease, unless and until the person desiring so to let or provide accommodation shall have had the building, or part thereof, and any article therein likely to retain infection, disinfected to the satisfaction of the municipal council or of such officer as the municipal council appoints in this behalf;

(*f*) power, with the previous permission in each case of a magistrate exercising not less than second class powers, to destroy any insanitary huts or sheds in which there is reason to believe that persons have been suffering from dangerous disease.

(3) The municipal council may, in its discretion, give compensation to any person who sustains substantial loss by the destruction of any property under this section, but except as allowed by the municipal council, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers specified therein.

Penalties for disobedience of an order passed in exercise of such powers.

(4) Any person who, in a municipality, disobeys any order which is for the time being in force therein, and which has been passed by the municipal council in exercise of any power conferred on such municipal council by this section, or obstructs any officer of the municipal council or other person acting under the authority of the municipal council in carrying out executively any such order, shall be punished with fine which may extend to two hundred rupees.

Duties of municipal council in respect of diseases among horses, dogs, cattle, sheep, or goats.

158. If, in any municipality, any infectious disease amongst horses, dogs, cattle, sheep or goats breaks out, or if the introduction of any such disease appears to be likely, the municipal council shall take all such measures as it deems necessary for the purpose of preventing, meeting, mitigating or suppressing the disease or the outbreak or introduction thereof.

Proceedings to abate the overcrowding of the interiors of buildings.

159. (1) Whenever the municipal council considers the interior of a building is so overcrowded as to be or to be likely to become dangerous or prejudicial to the health of the inhabitants of that or of any neighbouring building, the municipal council may cause proceedings to be taken before a magistrate of the first class for the purpose of obtaining an order to prevent such overcrowding.

(2) Such magistrate may, on the production of a certificate by a medical officer stating his opinion that the overcrowding complained of is likely to cause disease or risk of disease, and after such further enquiry, if any, as may appear to such magistrate necessary, require the owner of the building within a reasonable time, not being more than six weeks or less than ten days, to abate the number of lodgers, tenants or other inmates of the said building to such extent as he shall deem necessary to prescribe, or may pass such other order as he shall deem just and proper.

(3) If the said building shall have been sublet, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purpose of this sub-section, be deemed to be the owner of the building.

(4) It shall be incumbent on any owner to whom a requisition is issued under sub-section (2), forthwith to give to so many of the lodgers, tenants or other actual inmates of the said building as may be necessary to fulfil the conditions prescribed thereby, written notice to vacate the said building within the period specified in such requisition and any such lodgers, tenants or inmates receiving such notice shall be bound to comply therewith.

(5) Any owner who, after the date specified in any requisition issued under sub-section (2), permits the overcrowding of any building in contravention of such requisition, and any person who omits to vacate any such building in accordance with notice given to him under sub-section (4), shall be punished with fine which may extend to ten rupees for each day subsequent to the date specified in such requisition during which such overcrowding, or such commission to vacate, continues.

Closing places for disposal of the dead.

160. (1) If the municipal council be of opinion that any place used for the disposal of the dead is in such a state as to be, or to be likely to become injurious to health

it may submit its opinion with the reasons therefor to the Government, and the Government thereupon, after such further enquiry, if any, as it shall deem fit to cause to be made, may, by notification, direct that such place shall cease to be so used from such date as may be specified in that behalf in the said notification.

(2) A copy of the said notification together with a translation thereof in Kannada shall be published in the *Mysore Gazette* and shall be posted up at the municipal office and in one or more conspicuous spots in or near the place to which the same relates.

(3) Any person who buries or otherwise disposes of any corpse in any such place, after the date specified in the said notification for closure of the same, shall be punished with fine which may extend to one hundred rupees.

(9) *Nuisances from certain trades and occupations.*

Regulation of certain trades.

161. (1) No place within the limits of the town shall be used for any of the purposes mentioned in Schedule XIII without a license obtained from the municipal council and except in accordance with the conditions specified therein.

(2) The president shall, if so required by the municipal council, publish a notification in the *Mysore Gazette* and in two or more local newspapers that any place at a distance within two miles of the limits of the municipality shall not be used for any one or more of the purposes mentioned in Schedule XIII without a licence obtained from the president and except in accordance with the conditions specified therein :

Provided that no such notification shall take effect—

(*a*) unless the sanction of the Government has been obtained therefor ; and

(*b*) until the expiry of thirty days from the date of its publication in the *Mysore Gazette.*

(3) The owner or occupier of every place for the use of which for any purpose a license is required under sub-section (1) or sub-section (2) shall apply to the president for such license, not less, than thirty days of the publication of the notification under sub-section (2) in the *Mysore Gazette*, as the case may be.

(4) Every application for a license for the use of any place for the purpose of storing or selling explosives, timber or other combustible materials shall contain a statement showing the boundaries and the measurements of such place.

(5) The president may grant such licenses, subject to such restrictions and regulations as may be specified by him therein; or he may refuse to grant such license.

(6) Every such license shall expire at the end of the year for which it is granted, or at such earlier date as the president may, for special reason, specify in the license.

(7) Applications for renewal of such licenses shall be made not less than thirty days before the commencement of the year for which the renewal is sought.

(8) Where a license is granted under this section for the use of any place outside the limits of the municipality, the municipal council shall pay to the local authority within the limits of which such place is situated, such proportion of the fee received by the municipal council for the grant or renewal of such license as the Government may, by general or special order, determine.

Factories in crowded localities.

162. (1) In any municipality, no person shall establish in any premises any factory, as defined in the Mysore Factories Act, 1936, without the previous written permission of the municipal council.

(2) The municipal council may refuse to give such permission if it be of opinion that the establishment of such factory in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof, or will be a nuisance to the inhabitants of the neighbourhood or in any other manner contravenes the terms of any bye-laws framed in this behalf.

(3) Whoever establishes in any premises any factory, as aforesaid without or after the refusal of such permission, or in contravention of the terms of any bye-laws framed in this behalf, shall be punished with fine which may extend to five hundred rupees.

Use of siren or whistle for summoning or dismissing workmen.

163. (1) In any municipality, no person shall use or employ in any factory, or any other place, any whistle or trumpet operated by steam, mechanical means or electricity, for the purpose of summoning or dismissing workmen or persons employed except under and in accordance with the conditions of a license from the municipal council.

(2) The municipal council may grant such license, subject to such conditions as it may deem fit and may at any time withdraw such license on giving one month's notice to the licensee:

Provided that where the licensee has contravened any of the conditions of the license, the license may be withdrawn without any such notice.

(3) Whoever uses or employs any such whistle or trumpet as aforesaid without, or in contravention of any of the conditions of or after the withdrawal of such license shall be punished with fine which may extend to fifty rupees.

Use of loud speakers.

164. In any municipality, no person shall use in any place a loud speaker of any kind except under and in accordance with the conditions of a license from the president of the municipal council:

Provided that this section shall not apply to any place of public meeting or public resort.

Brothels.

165. In any municipality, any magistrate of the first class, on receiving information that a house within the limits of such municipality is used as a brothel, may summon the owner or occupier of such house, and on being satisfied that the house is so used, may order the owner or occupier to discontinue such use of it and if such owner or occupier shall fail to comply with such order within five days, may impose upon him a fine not exceeding twenty-five rupees for every day thereafter that the house shall be so used:

Provided that action under this section shall be taken only on the complaint of three or more inhabitants of the municipality residing in the vicinity of the house to which the complaint refers.

(10) *Service of Notices and Penalties on non-compliance therewith.*

Service of notices, etc., addressed to individuals.

166. (1) The service of every notice and the presentation of every bill under this Act on any person or to any person to whom it is by name addressed, shall, in all cases not otherwise specially provided for therein, be effected by a municipal officer or servant or other person authorised by the municipal council in this behalf,

(*a*) by giving or tendering the notice or bill to the person to whom it is addressed; or

(*b*) if such person is not found, by leaving the notice or bill at his last known place of abode with, or by giving or tendering the notice or bill to, some adult male member or servant of his family; or

(*c*) if such person does not reside within the municipal limits, and his address elsewhere is known to the president or other person directing the issue of the notice or bill, then by forwarding the notice or bill to such person by registered post, under cover bearing the said address; or

(*d*) if none of the means aforesaid be available then by causing the bill or notice to be affixed on some conspicuous part of the building or land, if any, to which the bill or notice relates.

Service of notice, etc., on owners and occupiers of buildings and lands.

(2) When any notice or bill under this Act is required or permitted by or under this Act to be served upon an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service thereof, in cases not otherwise specially provided for in this Act, shall be effected either—

(*a*) by giving or tendering the notice or bill to the owner or occupier, or if there be more owners or occupiers than one, to any one of them; or

(*b*) if no such owner or occupier be found, then by giving or tendering the notice or bill to some male adult member or servant of the family of any such owner or occupier as aforesaid; or

(*c*) if none of the means aforesaid be available, then by causing the notice or bill to be fixed on some conspicuous part of the building or land to which the same relates.

(3) Every notice which this Act requires or empowers a municipal council to give or to serve either as a public notice, or generally, or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if a copy thereof is put up in such conspicuous part of the municipal office during such period, and in such other public buildings and places, or is published in such local paper or in such other manner, as the municipal council in bye-laws in this behalf prescribes. Public and general notices how to be published.

(4) No notice or bill shall be invalid for defect of form. Defective form not to invalidate notice or bill.

(5) When any notice under this chapter requires any act to be done for which no time is fixed by this Act, the notice shall fix a reasonable time for doing the same. Execution of acts required to be done by any notice.

(6) In the event of non-compliance with the terms of the notice, it shall be lawful for the municipal council to take such action or such steps as may be necessary for the completion of the act thereby required to be done, and all the expenses therein incurred by the municipal council shall be paid by the person or persons upon whom the notice was served, and shall be recoverable in the manner provided in section 173.

167. Whoever disobeys or fails to comply with any lawful direction given by any written notice issued by a municipal council under any power conferred by this chapter, or fails to comply with the conditions subject to which any permission was given to him by the municipal council under any power so conferred, shall, if the disobedience or failure is not an offence punishable under any other section, be punished with fine which may extend to fifty rupees, and with further fine which may extend to five rupees for every day on which the said disobedience or failure continues after the date of the first conviction : Punishment for disobedience of orders and notices not punishable under any other section.

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Act, it shall rest with the magistrate to determine whether the time so fixed was reasonable time within the meaning of this Act.

Municipal council in default of owner or occupier may execute work and recover expense.

168. (1) Whenever, under the provisions of this Act, any work is required to be executed by the owner or occupier of any building or land, and default is made in the execution of such work, the municipal council, whether any penalty is or is not provided for such default, may cause such work to be executed; and the expenses thereby incurred shall, unless otherwise expressly provided in this Act, be paid to it by the person by whom such work ought to have been executed, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII either in one sum or by instalments as the municipal council may deem fit.

Power to levy charges on occupier who may deduct the same from his rent.

(2) If the defaulter be the owner of the building or land, the municipal council may, by way of additional remedy, whether a suit or proceeding has been brought or taken against such owner or not, require, subject to the provisions of sub-section (3), the payment of all or any part of the expenses payable by the owner for the time being, from the person who then or any time thereafter, occupies the building or land under such owner; and in default of payment thereof by such occupier on demand, the same may be levied from such occupier, and every amount so leviable shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII; every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as has been so paid by or recovered from such occupier in respect of any such expenses.

Occupiers not to be liable for more than the amount of rent due.

(3) No occupier of any building or land shall be liable to pay more money in respect of any expenses charged by this Act on the owner thereof, than the amount of rent which is due from such occupier for the building or land in respect of which such expenses are payable at the time of the demand made upon him, or which, at any time later such demand and notice not to pay the same to his landlord, has accrued and become payable by such occupier, unless he neglects or refuses upon application made to him for that purpose by the municipal council, truly to disclose the amount of his rent, and the name and the address of the person to whom such rent is payable; but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at

the time of such demand or which has since accrued, shall be upon such occupier :

Provided that nothing herein contained shall be taken to affect any special contract made between any such occupier and the owner respecting the payment of the expense of any such works as aforesaid.

Occupier in default of owner, may execute works and deduct expenses from his rent.

169. Whenever default is made by the owner of any building or land in the execution of any work required to be executed by him, the occupier of such building or land may, with the approval of the municipal council, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

Proceedings, if any, occupier opposes the execution of the Act.

170. If the occupier of any building or land prevent the owner thereof from carrying into effect, in respect of such building or land, any of the provisions of this Act, after notice of his intention so to carry them into effect has been given by the owner to such occupier, any magistrate upon proof thereof, and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works, with respect to such building or land, as may be necessary for carrying into effect the provisions of this Act, and may also, if he thinks fit, order the occupier to pay to the owner the costs relating to such application or order ; and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute such work, such occupier shall for every day, during which, he so continues to refuse be punished with fine which may extend to fifty rupees ; and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

(11) *Miscellaneous.*

Entry for purposes of the Act.

171. It shall be lawful for the president, vice-president, executive officer or any officer authorised by the municipal council for such purpose, to enter, for any purpose

of this Act, between sunrise and sunset, with such assistants as he may deem necessary, into and upon any building or land :

Provided that, except when herein otherwise provided, no building or land which may be occupied at the time shall be entered unless with the consent of the occupier thereof, without twenty-four hours' written notice thereof having been given to the said occupier : .

Provided also that, in the case of buildings used as human dwellings, due regard shall be paid to the social and religious customs of the occupiers.

Determination of compensation in certain cases.

172. (1) If an agreement is not arrived at with respect to any compensation or damages which are by this Act directed to be paid, the amount and if necessary the apportionment of the same shall be ascertained and determined by the Assistant Commissioner in charge of the taluk in which the municipality is situated and in the absence of such an officer, by the Deputy Commissioner :

Provided that nothing in this sub-section shall prevent the aggrieved party from seeking redress in a Civil Court of competent jurisdiction.

(2) In any case where the compensation is claimed in respect of any land, the procedure prescribed by the Mysore Land Acquisition Act, 1894, for proceedings in matters referred for the determination of the Court shall, as far as may be, be followed.

Costs or expenses how determined and recovered.

173. If a dispute arises with respect to any cost or expenses which are directed to be paid by any person under this chapter, the amount, and if necessary the apportionment, of the same shall, save where it is otherwise expressly provided in this Act, be ascertained and determined by the municipal council and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

CHAPTER X.

PROSECUTIONS, SUITS AND POWERS OF POLICE.

Municipal council may prosecute.

174. (1) The municipal council may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Act, or of any rule or bye-law thereunder, and may order the expenses of such prosecutions or other proceedings to be paid out of the municipal fund :

Provided that no prosecution for an offence under this Act or rule or bye-law framed thereunder shall be instituted, except within one year next after the commission of such offence.

Jurisdiction of magistrate.

(2) Any prosecution under this Act or under any rules or bye-laws thereunder may, save as therein otherwise provided, be instituted before any magistrate, and every fine or penalty imposed under or by virtue of this Act or any rule or bye-law thereunder, and also all claims to compensation or other expenses for the recovery of which no special provision is otherwise made in this Act, may be recovered on application to such magistrate, by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimable.

Imprisonment in default of payment and recovery and payment of fines.

175. (*a*) In case of any fine, costs, tax or other sum of money imposed, assessed or recoverable by a magistrate under this Act or under any rule, bye-law, or regulation made under it, shall not be paid, the magistrate may order the offender to be imprisoned in default of payment subject to all the restrictions, limitations and conditions imposed in sections 64 to 70 (both inclusive) of the Indian Penal Code as in force in Mysore.

(*b*) Any fine, costs, tax or sum imposed, assessed or recoverable by a magistrate under this Act, or any rule, bye-law or regulation made thereunder shall be recoverable by such magistrate, as if it were a fine imposed under the Code of Criminal Procedure, 1904, and the same shall on recovery be paid to the municipal council.

Power to compound offences.

176. A municipal council may—

(*a*) compromise with any person who, in the opinion of the municipal council, has committed an offence punishable under this Act or any bye-law thereunder and on such compromise, no proceedings shall be taken against such person in respect of such offence;

(*b*) withdraw from prosecutions instituted under this Act or under any bye-law made thereunder;

(*c*) compound any offence against this Act or against any bye-law made thereunder which may, by rules made by the Government, be declared compoundable:

Provided that Government may make rules to regulate the proceedings of persons empowered to compromise offence under this section.

Limitation for distraint, etc.

177. No distraint shall be made and no prosecution shall be commenced in respect of any sum due to the municipal council under this Act after the expiration of a period of three years from the date on which such distraint might have been made or prosecution might first have been commenced, as the case may be, in respect of such sum.

Distress lawful, though defective in form.

178. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in any summons, conviction or warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any court of competent jurisdiction.

Damage to municipal property how made good.

179. If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Act any damage to the property of the municipal council shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty, and the amount of damage shall, in case of dispute, be determined by the magistrate by whom the person incurring such penalty is convicted, and on non-payment of such damage

on demand, the same shall be levied by distress, and such magistrate shall issue his warrant accordingly.

Alternative procedure by suit.

180. In lieu of any process of recovery allowed by or under this Act or in case of failure to realise by such process the whole or any part of any amount recoverable under the provisions of Chapter VIII, or of any compensation, expenses, charges or damages payable under this Act, it shall be lawful for a municipal council to sue in any court of competent jurisdiction the person liable to pay the same.

Power of compromise.

181. (1) The municipal council may compound or compromise in respect of any suit instituted by or against it, or in respect of any claim or demand arising out of any contract entered into by it under this Act, for such sum of money or other compensation as it shall deem sufficient:

Provided that, if any sanction in the making of any contract is required by this Act, the like previous sanction shall be obtained for compounding or compromising any claim or demand arising out of such contract.

(2) The municipal council may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it, its officers, and servants under this Act.

(3) The municipal fund shall be liable to pay the expenses of any civil proceeding prosecuted or defended on behalf of the municipal council.

Assistance for the recovery of rent on land.

182. For the purpose of the recovery of any amount due on account of rent from any person to a municipal council, the municipal council shall be deemed to be a superior holder, and every such person, an inferior holder, of such land, within the meaning of sections 97 and 98 of the Mysore Land Revenue Code, 1888, and the municipal council, as superior holder, shall be entitled for the recovery of every such amount, to all the assistance to which under the said sections, superior holders are entitled for the recovery of rent or land revenue payable to them by inferior holders.

Limitation of suits, etc.

183. (1) No suit shall be instituted against any municipal council, president, councillors, officers, servant or any person acting under the direction of such municipal council, president, councillors, officer or servant for anything done or purporting to be done under this Act, until the expiration of two months next after notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims, has been in the case of a municipal council delivered or left at its office, and, in case of a president, councillor, officer or servant, or person as aforesaid, delivered to him or left at his office or usual place of abode; and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Every such suit shall, unless it is a suit for the recovery of immovable property or for a declaration of title thereto, be dismissed if it is not instituted within six months after the accrual of the alleged cause of action.

(3) Nothing in the section shall be deemed to apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

Power of police officers.

184. (1) Any police officer may arrest any person committing in his view any offence against any of the provisions of this Act, or of any rule or bye-law thereunder, if the name and address of such person be unknown to him, and if he declines to give his name and address, or if the police officer has reason to doubt the accuracy of such name and address if given, and such person may be detained at the station-house until his name and address shall be correctly ascertained:

Provided that no person arrested shall be detained without the order of a magistrate longer than shall be necessary for bringing him before a magistrate, or than twenty-four hours at the utmost.

(2) It shall also be the duty of all police officers to give immediate information to the municipal council of the commission of any offence against the provisions of this Act, or of any rule or bye-law thereunder, and to assist all municipal officers and servants in the exercise of their lawful authority.

(Chapter XI—Municipal Accounts and Administration Reports)

CHAPTER XI.

MUNICIPAL ACCOUNTS AND ADMINISTRATION REPORTS.

Prohibition of expenditure not budgetted for.

185. Except as hereinafter provided, no payment of any sum shall be made out of the municipal fund unless the expenditure of the same is covered by a budget grant, provided that the following items shall be excepted from this prohibition, namely :—

(*a*) refunds of taxes and other moneys which the municipal council is authorised by the Act or the rules made thereunder to make;

(*b*) repayments of moneys belonging to the contractors or other persons held in deposit and of moneys collected or credited to the municipal fund by mistake;

(*c*) sums which the municipal council is required or empowered by this Act, to pay by way of compensation;

(*d*) every sum payable—

(*i*) under sections 200 and 207 by order of the Deputy Commissioner and under sections 201, 202, 203, and 205 by order of the Government;

(*ii*) under a decree or order of a civil court passed against the municipal council ;

(*iii*) under a compromise of any suit or other legal proceeding or claim ;

(*e*) expenses incurred in the exercise of powers conferred by clause (*a*) of section 56 and sections 157 and 158;

(*f*) all contributions payable by the municipal council to the Government for the maintenance of water supply, dispensaries, schools and other institutions managed by the Government on behalf of the municipal council or on behalf of the municipal council and any other local authority or authorities.

Presentation of accounts.

186. (1) Every municipal council shall have prepared and laid before it, at its periodical general meetings, complete accounts of the receipts and expenditure of the municipal council since the first day of April last preceding and at a general meeting which shall be held between the first day of November and the first day of January, a complete account of the actual and expected receipts and expenditure for the official year ending on the thirty-first day of March next following, together with a budget

estimate of the income and expenditure of the municipal council for the official year to commence on the first day of April next following.

Budget estimate.

(2) The municipal council shall thereupon decide upon the appropriations, and the ways and means contained in the budget of the year to commence on the first day of April next following. The budget as passed by the municipal council shall be sent to the Government and a copy thereof sent simultaneously to the Commissioner and the Deputy Commissioner of the district for information.

(3) In such budget estimate, the municipal council shall, among other things—

(*a*) make adequate and suitable provision for such services as may be required for the fulfilment of the several duties imposed on the municipal council by this Act or any other law ;

(*b*) provide for the payment, as they fall due of all instalments of principal and interest for which the municipal council may be liable in respect of loans contracted by it ;

(*c*) provide for the payment of all sums payable to the Government under sections 201 and 202, and of all contributions for the maintenance of water supply, dispensaries, schools and other institutions or services managed by the Government on behalf of the municipal council or on behalf of any other local authority or authorities ;

(*d*) allow for a balance at the end of the said year of not less than such sum as may be required to meet the establishment charges for a period of three months.

(4) If the budget as submitted, fails to make adequate provision for the matters specified in sub-section (3), the Government may modify any part of the budget so as to ensure that such provision is made.

(5) The Government may modify the budget or any part thereof so as to secure compliance with any of the provisions of this Act or of the rules made thereunder.

Revision of budget.

187. If, in the course of the official year, the municipal council finds it necessary to modify the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different

services it undertakes, it may do so, provided that without the approval of the Government—

(*a*) no reduction shall be made in the amounts allotted for the several items specified in clauses (*b*) and (*c*) of sub-section (3) of section 186, and

(*b*) the closing balance shall not be reduced below the sum fixed under clause (*d*) of sub-section (3) of section 186.

Maintenance of accounts and restrictions on expenditure.

188. (1) Accounts of the income and expenditure of the municipal fund shall be kept in accordance with the rules prescribed in this behalf.

(2) Expenditure from the municipal fund shall, save as otherwise expressly provided for in this Act, be incurred subject to the restrictions, conditions and limitations imposed in the rules prescribed in this behalf.

(3) The municipal council shall, at the general meeting in April or after audit of the past official year's accounts, if such audit has not before that general meeting taken place, pass the accounts of the past official year.

Audit of accounts.

189. (1) The municipal accounts shall, from time to time and once in every year at the least, be audited by an auditor appointed by the Government and also by such other agency, if any, as may be prescribed in the rules of the municipal council.

(2) The auditor or auditors shall, for the purposes of their office, have access to all the accounts and other records of the municipal council.

(3) The municipal council shall pay from the municipal fund such charges for the audit as may be agreed upon and in the case of a Government auditor, such charges as may be prescribed by the Government.

Powers of Government auditor.

190. The Government auditor may—

(*a*) by written requisition, require the production before him of any document which he may consider necessary for the proper conduct of his audit;

(*b*) by written requisition require any person accountable for, or having the custody or control of, any such document to appear in person before him; and

(*c*) require any person so appearing before him to make and sign a declaration with respect to such document or to answer any question or prepare and submit any statement.

Duties of Government auditor.

191. (1) The Government auditor shall—

(*a*) as soon as may be after the completion of the audit, deliver to the municipal council a report upon the audit of the municipal accounts;

(*b*) report to the municipal council and to the Deputy Commissioner any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of moneys due to the municipal council or in the municipal accounts; and

(*c*) report to the municipal council and to the Deputy Commissioner any loss or waste of money or other property owned by or vested in the municipal council caused by neglect or misconduct, with the names of persons directly or indirectly responsible for such loss or waste.

Municipal council to remedy defects.

(2) The municipal council shall forthwith remedy any defects or irregularities that may be pointed out by the auditor.

Disallowance by Government auditor and order by Deputy Commissioner.

192. (1) The Government auditor shall disallow every item contrary to law and report the same to the Deputy Commissioner with particulars as regards the person making, or authorising the making of, the illegal payment.

(2) The Deputy Commissioner may, on the report of the auditor or on his own motion, pass an order charging any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person after affording him an opportunity to explain and shall, in every such case, certify the amount due from such person.

(3) The Deputy Commissioner shall state in writing the reasons for his decision in respect of every charge and furnish a copy thereof to the person against whom it is made.

(Chapter XI—Municipal Accounts and Administration Reports)

Appeal from order of Deputy Commissioner.

193. Any person aggrieved by the order of the Deputy Commissioner under the last preceding section may, within one month after he has received or been served with the decision of the Deputy Commissioner, either apply to the principal Civil Court of original jurisdiction to set aside such charge and the Court, in such case after taking such evidence as is necessary, may confirm, modify or remit such charge with such orders as to cost as it may think proper in the circumstances; or in lieu of such application, the person so aggrieved may, within the like period, appeal to the Government who shall pass such orders as it thinks fit.

Recovery of amounts disallowed.

194. Every sum certified to be due from any person by the Deputy Commissioner under this Act, shall be paid by such person to the municipal council within one month after the intimation to him of the said decision unless within that time such person has appealed to the Court or to the Government against the decision; and such sum if not so paid, or such sum as the court or the Government shall declare to be due, shall be recoverable by the Deputy Commissioner as an arrear of land revenue and credited to the municipal fund.

Transmission of accounts to Government.

195. The municipal council shall, as soon as the annual accounts have been finally passed by it, transmit to the Government, or any officer duly authorised by it in this behalf, a copy thereof, or an account in the form prescribed in this behalf, and shall furnish such details and vouchers relating to the same, as the Government or such officer may, from time to time, direct.

Annual administration report.

196. (1) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Government, the municipal council shall submit to the Deputy Commissioner and the Commissioner a report on the administration during the preceding official year in such form and with such details as the Government may direct.

(2) The president shall prepare the report and place it before the municipal council for consideration, and forward it to the Deputy Commissioner and the Commissioner with the resolution of the council thereon.

(3) The report may be published in such manner as the municipal council may direct.

CHAPTER XII.

CONTROL.

Commissioner's powers of inspection and supervision.

197. The Commissioner or any officer of the Government authorised by the Government by a general or special order shall have power—

(*a*) to enter on and inspect, or cause to be entered on and inspected, any immoveable property occupied by any municipal council or any institution under its control or management, or any work in progress under it or under its direction;

(*b*) to call for any extract from the proceedings of any municipal council or of any committee, or for any book or document in the possession of or under the control of a municipal council, and any return, statement, account, or report which he may think fit to require such municipal council to furnish;

(*c*) to require a municipal council to take into its consideration any objection which appears to him to exist to the doing of anything which is about to be done or is being done by such municipal council, or any information which he is able to furnish and which appears to him to necessitate the doing of a certain thing by the municipal council, and to make a written reply to him within a reasonable time stating its reasons for not desisting from doing, or for not doing, such thing.

Deputy Commissioner's power of inspection of offices of municipal councils.

198. The Deputy Commissioner shall have power to inspect the office of any municipal council in his district and call for the records of any such municipal council.

Deputy Commissioner's power of suspending execution of order, etc., of municipal councils.

199. (1) If, in the opinion of the Deputy Commissioner, the execution of any order or resolution of a municipal council, or the doing of anything which is about to be done or is being done by or on behalf of a municipal council, is causing or is likely to cause injury or annoyance to the public, or to lead to a breach of the peace, or is unlawful, he may, by order in writing under his signature, suspend the execution or prohibit the doing thereof.

Deputy Commissioner's order to be reported to Government who may confirm or modify it.

(2) When a Deputy Commissioner makes any order under this section, he shall forthwith forward to the Commissioner and to the Government and to the municipal council affected thereby a copy of the order, with a statement of the reasons for making it; and it shall be in the discretion of the Government, to rescind the order, or to direct that it continue in force with or without modification, permanently or for such period as it thinks fit:

Provided that no order of the Deputy Commissioner passed under this section shall be confirmed, revised or modified by the Government, without giving the municipal council reasonable opportunity of showing cause against the said order.

Extraordinary powers of Deputy Commissioner in case of emergency.

200. (1) In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a municipal council is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or do it shall be forthwith paid by the municipal council.

(2) If the expense and remuneration are not so paid, the Deputy Commissioner may make an order directing any person, who for the time being, has custody of any moneys on behalf of the municipal council, to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

(3) The provisions of sub-section (2) of section 199 shall apply, so far as may be, to any order made under this section.

Agency for execution of public works.

201. (1) Such public works as, in the opinion of the Government, require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the Government or by such agency as the Government may direct.

(2) All other works of the municipal council shall be executed by such agency and subject to such supervision as the municipal council thinks fit, subject to the rules prescribed in this behalf.

(3) When any work is executed for a municipal council by the Government or by any other agency under the orders of the Government, the expense incurred on the work together with the charges for supervision and for tools and plant at not more than three per cent as may be fixed by the Government, from time to time, unless waived by the Government, be payable to the Government.

(4) If the amount due to the Government under sub-section (3) is not paid within a reasonable time, the Government may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

Special provision in regard to works executed by Government.

202. (1) Notwithstanding anything contained in this Act, it shall be lawful for the Government at any time after consulting the municipal council—

(*a*) to construct any work or works of a permanent nature which, in the opinion of the Government is or are necessary or desirable for the health, or safety of the inhabitants, whether within any municipality or without it, wholly or in part ;

(*b*) to retain the management and maintenance of any such work or to entrust the same, in whole or in part to the municipal council, or to resume the same from the municipal council ;

(*c*) to recover the capital cost of any such work and of its management and maintenance, together with interest thereon at such rate as the Government may fix, from the municipal fund or from the proceeds of any tax or taxes imposed under this Act.

(2) It shall be the duty of any person who for the time being, has custody of any moneys on behalf of the municipal council, to pay, from such moneys as he may have in his hands or may from time to time receive, all amounts directed by the Government to be paid by the municipal council under clause (*c*) of the preceding sub-section.

Government inquiry into municipal matters.

203. (1) The Government may order an inquiry to be held by any officer appointed by it in this behalf into any matters concerning the municipal administration of any municipal area or any matters with respect to which its sanction, approval or consent is required under this Act.

(2) The officer holding such inquiry shall, for the purpose thereof, have the powers which are vested in a Court under the Code of Civil Procedure in respect of the following matters :—

(*a*) discovery and inspection,

(*b*) enforcing the attendance of witnesses and requiring the deposit of their expenses,

(*c*) compelling the production of documents,

(*d*) examining witnesses on oath,

(*e*) granting adjournment,

(*f*) reception of evidence taken on affidavit, and

(*g*) issuing commissions for the examination of witnesses,

and may summon and examine *suo motu* any person whose evidence appears to him to be material; and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1904.

Explanation.—For the purpose of enforcing the attendance of witnesses, the local limits of such officer's jurisdiction shall be the limits of the Mysore State.

(3) The reasonable expenses incurred by any person in attending to give evidence may be allowed by the officer holding the inquiry to such person and shall be deemed to be part of the costs.

(4) Costs shall be in the discretion of the Government and the Government shall have full power to determine by and to whom and to what extent such costs are to be

paid, and to allow interest on costs at a rate not exceeding six per cent per annum; and such costs and interest shall be leviable as an arrear of land revenue.

Power of Government to prevent extravagance in the employment of establishment.

204. (1) If in the opinion of the Government the number of persons who are employed by a municipal council as officers or servants or whom a municipal council proposes to employ or the remuneration assigned by the municipal council to those persons, or to any particular person, is excessive, the municipal council shall, on the requirement of the Government, reduce the number of the said persons or the remuneration of the said person or persons.

Government may require any town municipal council to appoint a health officer or an engineer.

(2) It shall be lawful for the Government—

(*i*) to require, if in its opinion at any time such an appointment is necessary, the appointment of a health officer, or of an engineer or both to be made by any municipal council;

(*ii*) to make in its discretion an order vetoing the appointment, or continuance in any such office, of any person selected therefor or appointed thereto by any such municipal council, and the tenure of such office by any such person shall cease and determine on and from the date on which such order is communicated to the municipal council;

(*iii*) to require that any person appointed to be an executive officer shall be invested by any such municipal council with all or any of the powers which can under this Act or under any rules in force at the time be lawfully delegated to him, in addition to such powers as are conferred on him by section 218;

(*iv*) to require that all or any of the powers referred to in section 157 shall be delegated by any such municipal council, whether there be an executive officer or not, to the president, vice-president or any such councillor as the Government may deem fit.

(3) Any requisition issued to the municipal council under clauses (*i*), (*iii*) or (*iv*) of sub-section (2) above shall be complied with within such time as the Government may in each case prescribe in that behalf.

Power of Government to direct person in custody of municipal fund to pay Government dues.

205. If a municipal council makes default in the payment of any amount due to the Government, it may make an order directing the person having the custody of the municipal fund to pay it in priority, to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

Power of Government to dissolve or supersede municipal council in case of incompetency, default, or abuse of powers.

206. (1) If, in the opinion of the Government, any municipal council is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Act or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it in the *Mysore Gazette*, declare the municipal council to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and may dissolve such municipal council or supersede it for a period to be specified in the order.

Consequences of exercise of such power.

(2) When the municipal council is so dissolved or superseded, the following consequences shall ensue :—

(*a*) all councillors of the municipal council shall, in the case of dissolution as from the date specified in the order of dissolution and in the case of supersession as from the date of the order of supersession, vacate their offices as such councillors ;

(*b*) all powers and duties of the municipal council shall, during the period between dissolution and reconstitution or of supersession, be exercised and performed by such person or persons as the Government, from time to time, appoints in that behalf ;

(*c*) all property vested in the municipal council shall, during the period between dissolution and reconstitution or of supersession, vest in the Government.

(3) After the issue of an order under sub-section (1), the municipal council shall, by the election or appointment of councillors, be reconstituted -

(*i*) in the case of dissolution, on the date specified in the order, or

(*ii*) in the case of supersession, on the date specified in the order under sub-section (1) or sub-section (4), as the case may be.

Power after enquiry to continue period of supersession.

(4) If, after enquiry made, the Government so directs, the period of supersession with all the consequences aforesaid shall, from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipal council.

Disputes between a municipal council and one or more local authorities.

207. (1) If any dispute for the decision of which this Act does not otherwise provide exists between a municipal council and one or more other local authorities in regard to any matters arising under the provisions of this or any other Act and the dispute is not amicably settled—

(*a*) the Deputy Commissioner may take cognizance of the dispute and decide it himself if the dispute is with another municipal council or a village panchayet in the same district and his decision shall be final ; and

(*b*) in all other cases, the matter shall be referred to the Government who may take cognizance of the dispute and decide it and the decision of the Government shall be final.

(2) No suit shall be entertained by a Civil Court in respect of any dispute referred to in sub-section (1).

Powers of Government to make rules and orders.

208. (1) The Government may make rules or orders generally for the purpose of carrying into effect the provisions of this Act and prescribe forms for any proceeding for which it considers that a form should be provided.

(2) In particular and without prejudice to the generality of the foregoing power, the Government may make rules or orders—

(*a*) with reference to all matters expressly required or allowed by this Act to be prescribed ;

(*b*) (i) for fixing the dates and the time and manner of holding elections, general or casual, of councillors to be elected ;

(ii) for preparing and revising the lists of voters from time to time, and fixing the date after which no application for enrolment in any such list under preparation or revision shall be received ;

(iii) for determining the manner in which and the authority by whom any objection to such lists in

regard to the names entered therein or omitted therefrom may be heard and decided, and to what authority the appeals as to such entries and omissions shall lie ;

(iv) for prescribing the date, subject to the provisions of sub-section (1) of section 13 for the publication of the municipal electoral roll ;

(v) for regulating generally elections of councillors and other matters incidental or ancillary thereto including deposits to be made by candidates standing for election and the conditions under which such deposits may be forfeited ;

(*c*) as to the contributions to be made by the municipal council to the pension and leave allowances of an officer who is serving or who, having served under a municipal council, has been or is transferred from or to the service of the Government, or is partly employed by the Government and partly by a municipal council ;

(*d*) for regulating the period of service of all officers and servants, and determining the conditions under which such officers and servants, or any of them, shall receive pensions, gratuities, or compassionate allowances on retirement, or on their becoming disabled through the execution of their duty, and the amount of such pensions, gratuities, or compassionate allowances ; and for prescribing the conditions under which any gratuities, or compassionate allowances may be paid to the surviving relations on the death of any such officers or servants ;

(*e*) as to the conditions under which rate-payers may appear before the Government auditor, inspect books and vouchers and take exception to items entered in the accounts or omitted therefrom ;

(*f*) for the proper management and maintenance of any work constructed under section 202 and for the regulation of all matters and things connected therewith ;

(*g*) as to the preparation of plans and estimates for works which are to be partly or wholly constructed out of the municipal fund and the authority by whom, and the conditions subject to which, such plans and estimates for works may be sanctioned ;

(*h*) as to the transfer to municipal councils, the management of any institution not otherwise provided for by this Act;

(*i*) as to the intermediate offices, if any, through which correspondence between municipal councils and the Government or Government officers shall pass;

(*j*) for submission of returns, statements, and reports and the preparation, submission and sanction of the annual estimates of receipts and expenditure and the administration reports;

(*k*) for the regulation of all matters connected with the grant of permission under section 113;

(*l*) for prescribing punishment not exceeding five hundred rupees for breach of any rule and also a further fine which may extend to twenty-five rupees for every day on which such breach continues after the date of conviction or any subsequent date as may be fixed by the magistrate.

(3) A rule may be general for all municipalities, or for all municipalities not expressly exempted from its operation, or may be special for the whole or any part of any one or more municipalities, as the Government may direct.

(4) All rules made by the Government under this Act shall be published in the *Mysore Gazette* both in English and Kannada and such rules shall have the force of law after one month from the date of such publication.

Power of Government to cancel or modify bye-laws and rules of municipal councils.

209. (1) The Government may, at any time by notification in the *Mysore Gazette*, repeal wholly or in part or modify any rule or bye-law made by any municipal council:

Provided that, before taking any action under this sub-section, the Government shall communicate to the municipal council the grounds on which it proposes to do so, fix a reasonable period for the municipal council to show cause against the proposal and consider the explanation and objections, if any, of the municipal council.

(2) The repeal or modification of any rule or bye-law shall take effect from the date of publication of the notification in the *Mysore Gazette*, if no date is therein specified

and shall not affect anything done, omitted or suffered before such date.

Delegation of powers by Government.

210. The Government may delegate all or any of its powers under this Act to any officer subordinate to it.

Powers of Government and of the Deputy Commissioners over subordinates.

211. In all matters connected with this Act, the Government and each Deputy Commissioner shall respectively, have and exercise the same authority and control over the Deputy Commissioners and their subordinates, as it or he has and exercises over them in the general and revenue administration.

Powers of officers acting for, or in default of municipal council and liability of municipal fund.

212. When the Deputy Commissioner or any Officer of the Government or any person appointed by him or the Government lawfully takes action on behalf or in default of the municipal council under this Act, he shall have power to make such contracts as are necessary for the purpose, and shall be entitled to the same protection under this Act as the municipal authority whose powers he is exercising, and compensation shall be recoverable from the municipal fund by any person suffering damage from the exercise of such powers to the same extent as if the action had been taken by such municipal authority.

Powers to transfer officers.

213. (1) Notwithstanding anything contained in this Act, the Government shall have power to transfer any officer or servant of a municipality to the service of any other municipality or of any district board constituted under the Mysore District Boards Act, 1926, or of any Government department.

(2) The Government shall have power to issue such general or special directions as it thinks necessary for the purpose of giving due effect to transfers made under sub-section (1).

(Chapter XIII—Appointment and Powers of Executive Officers)

CHAPTER XIII.

APPOINTMENT AND POWERS OF EXECUTIVE OFFICERS.

Appointment of executive officers.

214. (1) Any municipal council may, and when required by the Government by an order in this behalf, shall, within such time as may be fixed therein, appoint an executive officer for the municipality.

(2) The appointment of a person as executive officer shall be subject to the approval of the Government.

(3) No such officer shall, save with previous approval of the Government, be removable from office, reduced, or suspended.

(4) It shall be in the discretion of the Government to make an order vetoing the continuance in the office of executive officer of any person appointed thereto and the tenure of such office by such person shall cease and determine on and from the date on which such order is communicated to the municipal council.

(5) When an executive officer shall have been appointed, all other officers and servants employed by the municipal council, save such as are excepted by order of the Government from time to time, shall be subordinate to him.

Appointment by Government.

215. Notwithstanding anything contained in this Act—

(*a*) the Government may, by notification, take power to appoint the executive officer in the case of any municipal council;

(*b*) the Government may, at any time, withdraw any such executive officer and appoint another in his place; and

(*c*) the Government shall have power to regulate the methods of recruitment, conditions of service, pay and allowances and discipline and conduct of executive officers appointed under clause (*a*).

Municipal council when not to exercise the power.

216. So long as a notification under clause (*a*) of section 215 is in force, the municipal council in respect of which such notification is made, shall cease to exercise the power of appointment under section 214 of this Act.

(Chapter XIII—Appointment and Powers of Executive Officers)

217. The executive officer shall— Duties of executive officer.

(*a*) subject to the control of the president, perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him under this Act;

(*b*) subject to the orders of the president or of the municipal council, as the case may be, take prompt steps to remove any irregularity pointed out by the auditors;

(*c*) report to the president, and the municipal council all cases of fraud, embezzlement, theft or loss of municipal money or property;

(*d*) supply any return, statement, account or report or a copy of any document in his charge called for by the municipal council and shall comply with any orders passed by the municipal council thereon; and

(*e*) subject to the rules prescribed in this behalf under section 208 and subject to the control of the president, perform and exercise the duties and powers of the president specified in clauses (*b*), (*f*) and (*g*) of sub-section (1) of section 24 and in clause (*e*) of the same sub-section in regard to the officers and servants of the municipal council.

218. (1) The executive officer shall exercise the powers hereinafter specified, and such other powers as may be delegated to him by the municipal council under the provisions of this Act :— Powers of executive officer.

(*a*) he shall have power, subject to the provisions of this Act and of the bye-laws for the time being in force thereunder, to grant, give and issue, with the approval of the president, under his signature all licences and permissions which may be granted or given by a municipal council under this Act, other than licences for markets or slaughter-houses;

(*b*) he may, subject to the provisions aforesaid, at his discretion suspend, withhold or withdraw any licence in any case in which he is empowered as aforesaid to grant or give a licence, and in which the municipal council may, under the provisions aforesaid, suspend, withhold or withdraw such licence;

(*c*) he shall receive and recover and credit to the municipal fund all fees payable for licences and permissions granted or given by him under the powers aforesaid ;

(*d*) he may, subject to the control of the president and to the provisions of section 38—

(i) enter on behalf of the municipal council into contracts which do not involve an expenditure of over fifty rupees ; and

(ii) invite, on behalf of the municipal council and by public notice, tenders for the execution of any approved work or for the supply of any materials or goods required by the municipal council ; and

(*e*) he may make such requisitions by written notice, give such written consent or permission, issue such orders and prohibitions, and exercise all such powers as may be made, given, issued or exercised by a municipal council under any provisions contained in—

section 76,
section 80, sub-sections (2) and (3),
section 85,
section 89, sub-sections (3), (4) and (5),
section 91, proviso to sub-section (2),
section 92,
section 93,
section 94,
section 97,
section 99, sub-section (3),
section 110,
section 112,
section 114,
section 116,
section 119,
section 123, sub-section (1),
section 124,
section 127,
section 128,
section 130,
section 131,
section 132,
section 133,
section 134,
section 135,
section 136,

section 137,
section 138,
section 139,
section 140,
section 142, sub-section (1),
section 143,
section 146,
section 150, sub-section (5),
section 155,
section 156,
section 157, sub-section (2),
section 166, and
section 167.

(2) The exercise or discharge by the executive officer of any powers, duties or functions delegated to him under sub-section (1) shall be subject to such restrictions, limitations and conditions, if any, as may be laid down by the municipal council and shall be subject to its control and revision.

Executive officer's powers of appointment and punishment.

219. The executive officer shall, subject to the control of the president and independently of such powers as may be delegated to him by the municipal council in this behalf, have power—

(*a*) to appoint to any post in the inferior service, and to fine, reduce, suspend or dismiss any person holding such post;

(*b*) subject to the provisions of the rules for the time being in force, and subject to conditions and limitations, that may be imposed by the Government or the municipal council, to fine, reduce or suspend any other municipal officer or servant:

Provided that his order in respect of any punishment shall be subject to an appeal to the municipal council.

Executive officer may make explanations at meetings.

220. The executive officer may, with the permission of the president, or in virtue of a resolution passed in this behalf at any meeting of the municipal council or of any committee, make an explanation in regard to any subject under discussion at such meeting, but shall not vote upon or make any proposition at any such meeting.

(Schedule I)

SCHEDULE I.

[*Section* 61, *clauses* (i), (v) to (x).]

MAXIMUM RATES OF TAXES OTHER THAN OCTROI, TAXES ON VEHICLES AND ANIMALS, TOLLS, TAXES ON ARTS, PROFESSIONS, TRADES AND CALLINGS AND SHOP TAX.

Taxes	Maximum rate per year
A. Rate on buildings or lands or both—	
(i) Lands not occupied by buildings and not appurtenant to any building or attached thereto for use therewith as a garden or pleasure ground or for the pasturage of animals kept for private use.	Eight annas for every one hundred square yards.
(ii) Buildings or lands or both not falling under (i)—	
(*a*) In such municipalities as may be specified by the Government.	Six per centum on the annual letting value.
(*b*) In other municipalities.	Eight annas for every hundred rupees or portion of hundred rupees of the market value up to two thousand rupees, with four annas for every hundred rupees or portion of hundred rupees for the balance of such value in excess of two thousand rupees.
B. Stand fee for bus stands established or maintained by a municipal council.	Four annas per bus per day.
C. Tax on dogs ...	One rupee per head.
D. Special sanitary cess ...	Three per centum of the rental value.
E. General sanitary cess ...	Four per centum of the rental value.
F. Water rate or water rates ...	Six and one quarter per centum of the rental value.
G. Lighting Tax ...	One-third of the rate leviable under item A.

(Schedule II)

SCHEDULE II.

[*Section* 61, *clause* (iv).]

MAXIMUM RATES OF OCTROI.

No.	*Articles*	*Maximum rate* Rs.	a.	p.	*Remarks*
1	Cocoanut fresh ...	0	8	4	per hundred
2	Do dry ...	0	6	0	per maund
3	Betel leaves ...	0	0	1	per hundred
4	Sugar .	0	4	0	per maund
5	Sheep or goat ...	0	1	6	per head
6	Tobacco raw ...	0	8	0	per maund inclusive of tobacco products, dust and sticks.
7	Kerosene oil ...	0	2	0	per tin of four gallons.
8	Petrol ...	0	2	0	per gallon
9	Piece-goods ...	1	9	0	per cent *ad valorem.*
10	Arecanut ...	0	2	0	per bag of five maunds.
11	Cocoanut oil, linseed oil, honge oil, castor oil, vegetable oil.	0	2	0	per tin or part thereof.
12	Diesel oil and other mineral oils ...	0	2	0	do
13	Cement ...	0	0	6	per maund
14	Tiles (Mangalore or similar pattern) including flooring tiles.	1	9	0	per cent *ad valorem.*
15	Iron and steel or articles made therefrom including machinery parts.	1	0	0	per cent *ad valorem.*
16	Alloys in any shape or articles manufactured out of metals, machinery or part thereof.	1	9	0	per cent *ad valorem.*
17	Beedies ...	0	2	0	per 1,000
18	Cigarettes ...	0	4	0	per 1,000
19	Gunny bag ...	0	0	1	per bag
20	Hosiery and other textile fabrics	1	9	0	per cent *ad valorem.*
21	Cuddapah slabs ...	1	9	0	per cent *ad valorem.*
22	Rubber goods ...	2	0	0	per cent *ad valorem.*
23	Coffee and Tea ...	1	9	0	per cent *ad valorem.*
24	Teak and honne in logs ...	0	1	3	per c.ft.
25	Teak and honne sawn ...	0	1	6	per c.ft.
26	Black wood in logs ...	0	1	0	per c.ft.
27	Do sawn ...	0	1	3	per c.ft.
28	Other kinds of timber in logs ...	0	0	9	per c.ft.
29	Do sawn ...	0	1	3	per c.ft.

(*Schedule II*—contd.)

No.	Articles	Maximum rate			Remarks
		Rs.	a.	p.	
30	Wheat and wheat-flour, maida-flour and other wheat products.	0	4	0	per bag of 196 lbs. or fraction thereof.
31	Cotton seeds	0	1	0	per bag of 100 seers or fraction thereof.
32	Groundnuts and groundnut seeds	0	1	0	per bag of 100 seers or fraction thereof.
33	Match boxes	0	1	0	per gross or fraction thereof.
34	Jaggery ...	0	2	0	per maund
35	Ghee per maund ...	0	8	0	do
36	Country butter ...	0	8	0	do
37	Oats ...	1	0	0	per cent *ad valorem*.
38	Bran ...	1	0	0	per cent do
39	Chaff ...	1	0	0	Do
40	Oil seeds ...	0	4	0	per candy of 160 seers.
41	Manufactured wooden materials (intended for sale).	2	0	0	per cent *ad valorem*.
42	Burnt lime (Chunam) ...	0	4	0	per cart-load
43	Manufactured articles such as rain or water proof coats, holdalls, umbrellas, hats, rain caps, fur caps, gowns, over-coats and mosquito curtains.	1	9	0	per cent *ad valorem*
44	Musical goods	2	0	0	
45	Toys of all varieties and their accessories.	2	0	0	
46	Soaps of all kinds including soap flakes, shaving sticks, shaving cream, liquid soap and the like.	2	0	0	
47	Confectionery including all kinds of manufactured sweets, peppermint and chocolate.	2	0	0	
48	Glassware (glass-sheets, plates, cups, tumblers, jars, mirrors, glass chimneys, bulbs, bottles, tools, lens, tubes, articles partly made of glass, bangles and other glass articles.)	2	0	0	
49	Tinned goods packets, (*a*) tinned or canned or bottled fruits, fruit juice, essence of all kinds, cuticura powder, etc., baking powder and table salt of all varieties. (*b*) All the electrical goods and parts thereof.	2	0	0	

(*Schedule II*—concld.)

No.	Articles	Maximum rate			Remarks
		Rs.	a.	p.	
50	Colour and metal polish ...	2	0	0	per cent *ad valorem* or 0-1-0 per lb.
51	Motors, dynamo, etc., and all spare parts of metals.	2	0	0	per cent *ad valorem*.
52	Motor vehicles ...	2	0	0	do
53	Asbestos sheets and other materials made of asbestos.	2	0	0	do
54	Porcelain articles and china cups, etc.	2	0	0	do
55	Bakelite and plastic materials ...	2	0	0	do
56	Cameras and watches	2	0	0	do
57	Machinery parts or powerloom parts ...	2	0	0	do
58	(*a*) Battery and cells including electric torches. (*b*) Manufactured syrups and squashes. (*c*) Glaxo, horlicks, malted milk or powdered food, cocoa, ovaltine, bournvita, ovaltine rusk, and all foods of the like nature. (*d*) Toilet snows, creams, hair oils, vaselines, brilliantine and all kinds of pomade and perfumery and the like. (*e*) Condensed milk of all kinds of liquid or powder therefrom and shall include cheese or cream and tinned butter. (*f*) Biscuits of all varieties and kinds ... (*g*) Sausage, canned beef, and the like. (*h*) Tinned meat, etc. ... (*i*) Pepper and ginger species ... (*j*) Tinned and bottled pickles and chutnies. (*k*) All other kinds of tinned food and articles. (*l*) Tooth paste and powder ...	2	0	0	per cent *ad valorem*.
59	Clocks ...	2	0	0	per cent *ad valorem*
60	Photo frames and pictures ...	2	0	0	do
61	Optical glass and frames ...	2	0	0	do
62	Cycles and accessories ...	2	0	0	do
63	Celluloid materials ...	2	0	0	do
64	Playing cards ...	2	0	0	do
65	Brushes of all kinds ...	2	0	0	do

(Schedule III)

SCHEDULE III.

[*See Section* 61, *clause* (ii).]

VEHICLES, BOATS AND ANIMALS LIABLE TO TAXATION WITH THE MAXIMUM RATES OF TAXATION.

	Yearly. Rs.	a.	p.
For every four-wheeled vehicle with springs constructed to be drawn by two or more horses	20	0	0
For every four-wheeled vehicle with springs constructed to be drawn by a horse, bull or bullock, or by two or more horses under thirteen hands, bulls or bullocks ...	10	0	0
For every two-wheeled vehicle with springs constructed to be drawn by one or more horses, bulls or bullocks ...	6	0	0
For every other vehicle with springs and every palanquin, and every trailer attached to a motor car ...	6	0	0
For every cart or other vehicle without springs ...	4	0	0
For every boat	4	0	0
For every bicycle or tricycle	3	0	0
For every elephant	24	0	0
For every camel	12	0	0
For every horse over thirteen hands	10	0	0
For every horse of or under thirteen hands	4	0	0
For every horse of or under eleven hands and for every mule	2	0	0
For every bullock or bull	1	0	0
For every male buffalo	1	0	0
For every ass	0	8	0

SCHEDULE IV.

[*See Section* 61, *clause* (iii).]

MAXIMUM RATES OF TOLLS PAYABLE ON ENTERING THE MUNICIPAL LIMITS.

		Rs.	a.	p.
1.	On every motor bus as defined in the Motor Vehicles Rules or motor lorry	2	0	0
2.	On every motor car	1	0	0
3.	On every motor tricycle or bicycle or trailer attached to a motor car	0	4	0
4.	On every four-wheeled carriage	0	8	0
5.	On every two-wheeled carriage on springs other than a jutka	0	4	0
6.	On every jutka laden	0	2	0
7.	On every jutka unladen	0	1	0
8.	On every other vehicle with springs including a tricycle or bicycle	0	2	0
9.	On every cart or other vehicle not on springs drawn by two bullocks, buffaloes, horses, ponies, asses, or mules, if laden	0	4	0
10.	On every cart or other vehicle not on springs drawn by two buffaloes, bullocks, horses, ponies, asses or mules, if not laden	0	2	0
11.	On every cart or other vehicle not on springs drawn by single bullock, buffalo, horse, pony, ass or mule, if laden	0	2	0
12.	On every cart or other vehicle not on springs drawn by a single bullock, buffalo, horse, pony, ass or mule, if not laden	0	1	0

(*Schedule V*)

SCHEDULE V.

[*See Section* 61, *clause* (xi).]

MAXIMUM RATES OF TAX ON ARTS, PROFESSIONS, TRADES AND CALLINGS.

CLASS I.

	Yearly Rs.
Every person holding any office or appointment, public or private, or employed in any capacity, whose pay, salary or pension amounts to one thousand rupees a month or upwards and every person falling under any of the following denominations whose income is estimated to amount to one thousand rupees a month or upwards :— (i) carrying on business as a company ; (ii) abkari renters, wholesale and retail traders, and manufacturers of every kind, contractors, auctioneers and commission agents ; (iii) bankers, money lenders, money-changers and pawnbrokers ; (iv) editors and proprietors of newspapers ; (v) brokers and dealers in securities, shares or bills of exchange ; (vi) practising barristers, advocates, High Court vakils, solicitors, attorneys, pleaders, and law agents ; (vii) practising medical practitioners of all kinds including hakims and vaidyas ; (viii) dentists and veterinary surgeons ; (ix) architects and civil engineers ; (x) owners and farmers of markets and tool-farmers ; (xi) keepers of hotels, lodging houses, or boarding houses ; (xii) builders and surveyors ; (xiii) owners of mills, warehouses, printing presses, oil presses, cotton presses and other presses and factories of all kinds ; (xiv) professional artists, photographers, actors and owners or managers of circuses or theatrical companies, musicians and dancers ; (xv) dealers in animals or vehicles, and owners, or keepers of livery stables or hackney carriages ; (xvi) artizans.	50

CLASS II.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to five hundred rupees a month or upwards ...	25

CLASS III.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to three hundred rupees a month or upwards ..	12

(Schedule V)

CLASS IV.

	Yearly Rs.
Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to two hundred rupees a month or upwards ...	8

CLASS V.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to one hundred rupees a month or upwards ...	4

CLASS VI.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to rupees fifty a month or upwards ...	2

CLASS VII.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to thirty rupees a month or upwards ...	1

NOTE.—The foregoing classification is subject to the following provisos, namely :—

PROVISO 1.—No owner of a cotton press shall be placed in any class below class II.

PROVISO 2.—No wholesale trader, banker, barrister, advocate, High Court vakil, solicitor, attorney, architect, civil engineer, mill-owner or factory-owner shall be placed in any class below class III.

PROVISO 3.—No abkari renter (other than a mere liquor shop keeper), editor or proprietor of a newspaper, broker or other dealer in securities, shares or bills of exchange, and no pleader, medical practitioner (other than a hakim or vaidya), dentist or veterinary surgeon shall be placed in any class below class IV.

PROVISO 4.—No auctioneer, money-lender, owner or farmer of a market, toll-farmer, keeper of a hotel, lodging-house, boarding-house and no builder, surveyor or owner of a warehouse or press (other than a cotton press or oil press), shall be placed in any class below class V.

(Schedule VI, Schedule VII)

SCHEDULE VI.

MAXIMUM RATES OF TAX ON SHOPS AND OTHER PLACES OF BUSINESS OR PROFESSION.

[*See section* 61, *clause* (xii).]

Items	Sort					
	1st	2nd	3rd	4th	5th	6th
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1. Shops.— For each shop per year.	30	25	20	10	4	2
2. Other places where business or profession is carried on for purposes of profit.— For each place per year.	30	25	20	20	4	2

SCHEDULE VII.

[*See clause* (*b*) *of section* 62.]

* To be inserted if the tax is to be substituted for any existing tax.

Notice is hereby given to the inhabitants of the municipality of ....that the municipal council desires to impose the tax, rate, toll, octroi or cess (as the case may be) defined in the rules appended, [in lieu of the tax known as the.....which is published at page..... of the sanctioned rules.] *

Any inhabitant of the municipality objecting to the proposed tax may, within one month from the date of this notice, send his objections in writing to the municipal council.

RULES.

[The rules prepared by the municipal council under clause (*a*) section 63 are to be appended here.]

(Schedule VIII, Schedule IX)

SCHEDULE VIII.

[*See section* 76.]

Form of notice of transfer to be given when the transfer has been effected by instrument.

To the President of the municipal council.

I, A. B. hereby give notice, as required by section 76 of the Mysore Town Municipalities Act, 1951, of the following transfer of property :—

Date of notice	Date of instrume nt	Name of vendor or assignor	Name of purchaser or assignee	Amount of consideration	Description of property					If instrument has been registered, the date of registration	Remarks
					Of what it consists	Situation	Number in assess-ment list	Dimensions of land	Boundaries		

(Sd.) A. B.

SCHEDULE IX.

[*See section* 76.]

Form of notice of transfer to be given when the transfer has taken place otherwise than by instrument.

To the President of the municipal council.

I, A. B. hereby give notice, as required by section 76 of the Mysore Town Municipalities Act, 1951, of the following transfer of property :—

Date of notice	In whose name the property is at present entered in the municipal registers	To whose name it is to be transferred	Description of property					Remarks
			Of what it consists	Situation	Number in assess-ment list	Dimensions of land	Boundaries	

(Sd.) A. B.

(Schedule X, Schedule XI)

SCHEDULE X.

[*See sub-section* (3) *of section* 92.]

FORM OF NOTICE OF DEMAND.

To

A. B., residing at.....

Take notice that the municipal council of..... demands from.....the sum of..... .....due from..... .....on account of.....(here describe the property or other subject in respect of which the tax is leviable) leviable under rule number.....for the period of.....commencing on the day of.....19.....and ending on the... ..... day of.....19 , and that if, within fifteen days from the service of this notice, the said sum is not paid into the municipal office at..... ....or sufficient cause for non-payment is not shown to the satisfaction of the municipal council, a warrant of distress will be issued for the recovery of the same with costs.

Dated this..... .....day of.....19

(Signed)

By order of the municipal council of

SCHEDULE XI.

[*See sub-section* (1) *of section* 93.]

FORM OF WARRANT.

To

(Here insert the name of the officer charged with the execution of the warrant.)

Whereas A. B., of..... .....has not paid, and has not shown satisfactory cause for the non-payment of the sum of..... .....due for the tax*.....mentioned in the margin for the period commencing on the day of 19 and ending with the day of 19 and leviable under rule number.

*Here describe the tax.

And whereas fifteen days have elapsed since the service on him of notice of demand for the same;

This is to command you to distrain, subject to the provisions of section 94 of the Mysore Town Municipalities Act, 1951, the goods and chattels of the said A. B. to the amount of , being the amount due from him, as follows :—

	Rs.	a.	p.
On account of the said tax			
For service of notice			

and forthwith to certify to me together with the warrant all particulars of the goods distrained by you thereunder.

Dated this.....day of.....19 .

..... (Signed)

President (or Executive Officer as the case may be), see section 94 (2

(Schedule XII)

SCHEDULE XII.

[*See clause* (c) *of sub-section* (5) *of section* 93 *and sub-section* (1) *of section* 89]

FORM OF INVENTORY AND NOTICE.

To -

A. B., residing at..... *Here describe the tax.

Take notice that I have this day distrained the goods and chattels specified in the inventory beneath this, for the value of..... due for the tax*.....mentioned in the margin for the period commencing with the day of 19 , and ending with the day of 19 , together with Rs. due as for service of notice of demand, and that unless within five days from the day of the date of this notice you pay into the municipal office at.....the said amount together with costs of recovery, the said goods and chattels will be sold.

Dated this day of 19 .

Signature of Officer executing the warrant. / collecting octroi. / collecting toll.

INVENTORY.

(Here state particulars of goods and chattels distrained.)

SCHEDULE XIII.

PURPOSES FOR WHICH PREMISES MAY NOT UNDER SECTION 161 BE USED WITHOUT A LICENSE.

Aerated waters.—Manufacturing.
Ammunition.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Article made of flour.—Baking, preparing, keeping or storing for human consumption (for other than domestic use).
Ashes.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dumping or shifting.
Biscuits.—Baking, preparing, keeping or storing for human consumption (for other than domestic use).
Blood.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Bones.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Bread.—Baking, preparing, keeping, or storing for human consumption (for other than domestic use).
Bricks.—Manufacturing.
Camphor.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or boiling.
Candles.—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Carpets.—Manufacturing.
Catgut.—Storing, packing, pressing, cleansing, preparing or manufacturing any process whatever.
Cement.—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Charcoal.—Dumping, shifting, selling or storing.
Chemical preparations.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Chillies.—Grinding by machinery.
Chlorate mixture.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Cinders.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dumping or shifting.
Clothes.— Dyeing.
Coal.—Dumping, shifting, selling or storing.
Coconut fibre.—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever.
Combustible material.—Storing.
Combustibles.—Baking, preparing, keeping or storing for human consumption (for other than domestic use).
Confectionery.—Baking, preparing, keeping, or storing for human consumption (for other than domestic use).
Cotton, Cotton refuse.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Dyes.—Packing, pressing, cleansing, preparing or manufacturing any process whatever.

(Schedule XIII)

Explosive.—Storing.
Fat.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Firewood.—Selling or storing.
Fireworks.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Fish.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Fish oil.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Flax.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Fleshings.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Flour.—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Fuel.—Using for any industrial purpose.
Fulminate of mercury.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Gas.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Gold.—Refining.
Gram.—Husking by machinery.
Gun-Cotton.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Gun-powder.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Hair.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dyeing or drying.
Hay.—Selling or storing.
Hemp.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Hides.—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever.
Hoofs.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Horns.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Ice.—Manufacturing.
Jute.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Lac.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Lead.—Melting.
Leather.—Storing, packing, pressing cleansing, preparing or manufacturing by any process whatever.
Lime.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Limeshells.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Manure.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Machinery.—Using for any industrial purpose.

(Schedule XIII)

Matches.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Meat.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Metals.—Beating, breaking, hammering, casting, etc.

Nitro compound.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Nitro glycerine.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Nitro mixture.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Offal.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Paddy.— Boiling or husking by machinery.

Petroleum products.— Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever in quantities not exceeding six gallons, provided that no licence shall be required for storing petroleum in accordance with the provisions of the Mysore Petroleum Act, 1942, or the rules issued or the notifications published under that Act.

Pitch.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Pottery.—Manufacturing by any process whatever.

Resin (including resin).—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Saltpetre.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Seegekai.— Powdering by machinery.

Shellac.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Skins.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Soap.—Manufacturing by any process whatever.

Spirits.—Manufacturing by any process whatever.

Sulphur.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or melting.

Tallow.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or melting.

Tar.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Thatching materials.—Selling or storing.

Tiles.—Manufacturing.

Timber.—Selling or storing.

Tobacco (including snuff, cigars, cigarettes and beedies).—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Turpentine.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Wool.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dyeing or drying.

Yarn.—Dyeing :

Provided that no licence shall be required for the storage only of any of the articles mentioned in this Schedule or for boiling paddy when

(*Schedule XIII*)

such storage or boiling is for domestic use and limited to such quantities as may from time to time be fixed by the municipal council.

Gilding or electro-plating.

Keeping a shaving or hair-dressing saloon.

Keeping together pigs or twenty or more sheep or goats or ten or more heads of cattle.

Manufacturing articles from which offensive or unwholesome smells, fumes, dust or noise arise.

In general, any purpose or the doing in the course of any industrial process anything which, in the opinion of the municipal council, is likely to be dangerous to human life, or health or property or is likely to create or cause a nuisance.

MYSORE ACT NO. XXV OF 1951.

THE MYSORE LEGISLATURE (PREVENTION OF DISQUALIFICATION) ACT, 1951.

(AS AMENDED BY ACTS XXXI OF 1951, XII OF 1952 AND 16 OF 1954.)

(Received the assent of His Highness the Maharaja of Mysore on the 23rd day of June 1951.)

An Act to provide that holders of certain offices of profit shall not be disqualified for being chosen as, and for being members of, the Mysore Legislature.

Preamble.

WHEREAS it is expedient to provide that holders of certain offices of profit shall not be disqualified for being chosen as, and for being members of, the Mysore Legislature;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Mysore Legislature (Prevention of Disqualification) Act, 1951.

(2) It shall come into force at once.

Prevention of disqualification for membership of the Mysore Legislature.

2. A person shall not be disqualified for being chosen as, and for being a member of, the Mysore Legislature by reason only of the fact that he holds any of the offices of profit specified in the Schedule to this Act.

Schedule.

1. Parliamentary Secretaries.

[1][2. Chairman, Director or Member of any Committee, Board or Council appointed by the Government of India or by the Government of Mysore or by the Government of any other State specified in the First Schedule to the Constitution of India.]

[2][3. Member of any Industrial Tribunal constituted by the State Government under the Industrial Disputes Act, 1947 (Central Act XIV of 1947).]

[3][4. The offices held by officers in the National Cadet Corps raised and maintained under the National Cadet Corps Act, 1948 (Central Act XXXI of 1948), and in the Territorial Army raised and maintained under the Territorial Army Act, 1948 (Central Act LVI of 1948).]

---

1. Substituted by Act XII of 1952.
2. Added by Act XXXI of 1951.
3. Added by Act 16 of 1954.

MYSORE ACT No. XXVII OF 1951.

THE MYSORE LOTTERIES AND PRIZE COMPETITIONS CONTROL AND TAX ACT, 1951.

(AS AMENDED BY ACTS VIII OF 1952 AND 17 OF 1953.)

(Received the assent of the President on the 21st day of June 1951.)

An Act to control and to tax lotteries and prize competitions in [1][the State of Mysore except Bellary District.]

WHEREAS it is expedient to control and to levy a tax on lotteries and prize competitions [1][in the State of Mysore except Bellary District]; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Lotteries and Prize Competitions Control and Tax Act, 1951. Short title, extent and commencement.

(2) It extends to the [1][whole of the State of Mysore except Bellary District.]

(3) This section shall come into force at once ; and the remaining provisions of this Act shall come into force on such date as the State Government may, by notification in the *Mysore Gazette*, appoint in this behalf.

2. (1) In this Act, unless there is anything repugnant in the subject or context, Definitions.

(*a*) " coupon " includes, in relation to a prize competition, any document in which the solution to the competition is submitted by any person ;

1. See the Mysore Adaptation of Laws Order, 1953.

(*b*) " licence " means a licence granted under this Act ;

(*c*) " money " includes a cheque or any other negotiable instrument, a postal order or money order ;

(*d*) " prescribed " means prescribed by rules made under this Act ;

(*e*) " prize competition " includes—

(i) cross-word prize competition, missing words prize competition, picture prize competition, number prize competition, or any other competition for which the solution is prepared beforehand by the promoters of the competition or for which the solution is determined by lot ;

[1][* * *]

(*f*) " quarter " means a period of three months from the 1st January to 31st March, from 1st April to 30th June, from 1st July to 30th September and from 1st October to 31st December in each year ;

(*g*) " State " means the State of Mysore ;

(*h*) " ticket " includes, in relation to any lottery or proposed lottery, any document evidencing the claim of a person to participate in the chances of the lottery.

(2) For the purposes of this Act—

(*a*) reference to printing shall be construed as including references to writing and other modes of representing or reproducing words in a visible form ; and

(*b*) documents or other matters shall be deemed to be distributed if they are distributed to persons or in places whether within or outside the State and the expression ' distribution ' shall be construed accordingly.

---

1. Sub-clauses (ii) and (iii) of clause (e) of sub-section (1) of section 2 omitted by Act 17 of 1953.

All lotteries unlawful.

3. Subject to the provisions of this Act, all lotteries are unlawful.

Offences in connection with lotteries.

4. (1) Subject to the provisions of this section, every person who in connection with any lottery promoted or proposed to be promoted, either in the State or elsewhere—

(*a*) publishes any proposal to pay any sum, or to deliver any goods, or to do or forbear from doing anything for the benefit of any person, on any event or contingency relative or applicable to the drawing of any ticket, lot, number, colour, or figure in the lottery ; or

(*b*) prints any tickets for use in the lottery ; or

(*c*) sells or distributes, or offers or advertises for sale or distribution, or has in his possession for the purpose of sale or distribution, any tickets or chances in the lottery ; or

(*d*) prints, publishes or distributes, or has in his possession for the purpose of publication or distribution—

(i) any advertisement of the lottery ; or

(ii) any list (whether complete or not) of prize winners or winning tickets in the lottery ; or

(iii) any such matter descriptive of the drawing or intended drawing of the lottery, or otherwise relating to the lottery, as is calculated to act as an inducement to persons to participate in that lottery or in other lotteries ; or

(*e*) brings, or invites any person to send into the State, for the purpose of sale or distribution any ticket in, or advertisement of, the lottery ; or

(*f*) sends or attempts to send out of the State,

(i) any money or valuable thing received in respect of the sale or distribution of any ticket or chance in the lottery ; or

(ii) any document recording the sale or distribution of any ticket or chance in the lottery ; or

(iii) any document recording the identity of the holder of any ticket or chance in the lottery ; or

(*g*) uses any premises, or permits any premises to be used, for purposes connected with the promotion or conduct of the lottery ; or

(*h*) causes or attempts to cause any person to do any of the abovementioned acts,

shall, on conviction, be punishable—

(i) for the first offence with fine which may extend to one thousand rupees ;

(ii) for the second offence with fine which may extend to two thousand rupees ; and

(iii) for any subsequent offence with imprisonment for a term which may extend to three months or with fine which may extend to five thousand rupees or with both.

(2) In any proceedings instituted under sub-section (1), an accused person shall not be deemed to be guilty if he proves that the lottery to which the proceedings relate was such a lottery as is not deemed to be an unlawful lottery or prize competition under section 5, 6, 7 or 8, as the case may be, and that at the date of the alleged offence the accused believed and had reasonable grounds for believing that there was no contravention of any of the conditions required by section 5 or section 6 or section 7 to be observed in connection with the promotion and conduct of the lottery.

Licensed entertainment lotteries not unlawful.

5. (1) A lottery promoted as an incident of an entertainment shall not be deemed to be an unlawful lottery, if the promoter thereof has obtained a licence in respect of such lottery.

(2) The following conditions shall be observed by the promoter in connection with the promotion and conduct of such lottery, namely :—

(*a*) the whole proceeds of the entertainment (including the proceeds of the lottery) after deducting—

(i) the expenses of the entertainment, excluding expenses incurred in connection with the lottery ;

(ii) the expenses incurred in printing tickets in the lottery ; and

(iii) such sum (if any) not exceeding five hundred rupees, as may be specified in the licence as expenses which may be incurred by the promoters in purchasing prizes in the lottery,

shall be devoted to purposes other than private gain;

(*b*) none of the prizes in the lottery shall be money prizes;

(*c*) tickets or chances in the lottery shall not be sold or issued, nor shall the result of the lottery be declared, except on the premises on which the entertainment takes place and during the progress of the entertainment; and

(*d*) the facilities afforded for participating in lotteries shall not be the only, or the only substantial, inducement to persons to attend the entertainment.

(3) If any of the conditions specified in sub-section (2) is contravened, every person concerned in the promotion or conduct of the lottery shall, on conviction, be punishable—

(*a*) for the first offence with fine which may extend to one thousand rupees; and

(*b*) for the second offence with fine which may extend to two thousand rupees; and

(*c*) for any subsequent offence with imprisonment for a term which may extend to three months or with fine which may extend to five thousand rupees or with both:

Provided that in any proceeding under this section, it shall be a defence for a person charged to prove that the offence was committed without his knowledge.

Explanation.—The entertainments to which this section applies are, bazaars, shandies, exhibitions, sales of work, exhibition of feats and other entertainments of a similar character, whether limited to one day or extending over two or more days.

Licensed private lotteries not unlawful.

6. (1) A private lottery shall not be deemed to be an unlawful lottery, if the promoter thereof has obtained a licence in respect of such lottery.

(2) The following conditions shall be observed by the promoter in connection with the promotion and conduct of such lottery, namely :—

(*a*) the whole proceeds, after deducting only expenses incurred for printing and stationery, shall be devoted to the provision of prizes for purchasers of winning tickets or chances, or, in the case of a lottery promoted for the members of a society, shall be devoted either to the provision of prizes as aforesaid or to purposes which are purposes of the society or, as to a part of the proceeds, to the provision of prizes as aforesaid and, as to the remainder, to such purposes as aforesaid ;

(*b*) there shall not be exhibited, published or distributed any written notice or advertisement of the lottery other than—

(i) a notice thereof exhibited on the premises of the society for whose members it is promoted or, as the case may be, on the premises on which the persons for whom it is promoted work or reside ; and

(ii) such announcement or advertisement thereof as is contained in the tickets, if any ;

(*c*) the price of every ticket or chance shall be the same and shall be stated on the ticket ;

(*d*) every ticket shall bear upon the face of it the name and address of the promoters and a statement of the persons to whom the sale of tickets or chances by the promoters is restricted, and a statement that no prize won in the lottery shall be paid or delivered by the promoters to any person other than the person to whom the winning ticket or chance was sold by them, and no prize shall be paid or delivered except in accordance with that statement ;

(*e*) no ticket or chance shall be issued or allotted by the promoters except by way of sale and upon receipt of the full price thereof, and no money or

valuable thing so received by a promoter shall in any circumstance be returned ; and

(*f*) no tickets in the lottery shall be sent through the post.

(3) If any of the conditions specified in sub-section (2) is contravened, each of the promoters of the lottery, and where the person by whom the condition is contravened, is not one of the promoters, that person also, shall, on conviction, be punishable—

(*a*) for the first offence with fine which may extend to one thousand rupees ;

(*b*) for the second offence with fine which may extend to two thousand rupees ; and

(*c*) for any subsequent offence with imprisonment for a term which may extend to three months or with fine which may extend to five thousand rupees or with both :

Provided that in any proceeding under this section, it shall be a defence for a person charged only by reason of his being a promoter of the lottery to prove that the offence was committed without his knowledge.

Explanation.—For the purpose of this section—

(*a*) the expression " private lottery " means a lottery in the State which is promoted for, and in which the sale of tickets or chances by the promoters is confined to, either—

(i) members of one society established and conducted for purposes not connected with gaming, wagering or lotteries ; or

(ii) persons all of whom work on the same premises ; or

(iii) persons all of whom reside on the same premises, and which is promoted by persons each of whom is a person to whom under the foregoing provisions tickets or chances may be sold by the promoters and, in the case of a lottery promoted for the members of a society, is a person authorised in writing by the governing body of the society to promote the lottery ; and

(*b*) the expression "society" includes a club, institution, organisation or other association of persons by whatever name called, and each local or affiliated branch or section of a society shall be regarded as a separate and distinct society.

Licensed charitable lotteries not unlawful.

7. (1) Notwithstanding anything to the contrary contained in this Act, the State Government may, in respect of a lottery promoted for the benefit of a charitable, religious or educational institution or organisation, grant a licence, subject to such conditions and on the payment of such fees or taxes as may be specified in the said licence, and such lottery shall not be deemed to be an unlawful lottery :

Provided that the rate of tax shall not be, in any case, higher than the rates set out in clause (*a*) of sub-section (1) and sub-section (2) of section 12.

(2) If any of the conditions specified in any licence granted under sub-section (1) is contravened, each of the promoters of the lottery, and where the person by whom the condition is contravened, is not one of the promoters, that person also, shall, on conviction, be punishable—

(*a*) for the first offence with fine which may extend to one thousand rupees ;

(*b*) for the second offence with fine which may extend to two thousand rupees ; and

(*c*) for any subsequent offence with imprisonment for a term which may extend to three months or with fine which may extend to five thousand rupees or with both :

Provided that in any proceeding under this section, it shall be a defence for a person charged only by reason of his being a promoter of the lottery to prove that the offence was committed without his knowledge.

Licensed prize competitions not unlawful.

8. A prize competition shall not be deemed to be an unlawful prize competition, if a licence in respect of such competition has been obtained by the promoter thereof.

Penalty for contravention of section 8.

9. Without prejudice to his liability, if any, to be proceeded against under the preceding provisions of this

Act relating to lotteries, whoever contravenes the provisions of section 8 shall, on conviction, be punishable with imprisonment for a term which may extend to three months or with fine or with both.

Licences.

10. Every licence granted under this Act shall be granted by the State Government on payment of such fees and subject to such conditions and shall be in such form as may be prescribed.

Suspension or cancellation of licence.

11. The State Government may suspend or cancel a licence granted under this Act—

(1) if there is any breach of any of the conditions subject to which the licence is granted ; or

(2) if the holder of such licence contravenes any of the conditions specified in section 5 or section 6 or in a licence referred to in section 7 ; or

(3) if any tax payable under section 12 is not duly paid by the promoter ; or

(4) if the holder of such licence contravenes any of the provisions of section 15 ; or

(5) for any other reason for which the suspension or cancellation of the licence is, in the opinion of the State Government, necessary in the public interest.

Levy of tax on lotteries and prize competitions.

12. (1) There shall be levied—

(*a*) in respect of every lottery for which a licence has been obtained under section 5, section 6 or section 7, a tax at such rate not exceeding twelve and a half per cent of the total sum received or due in respect of such lottery as may be specified by the State Government, by notification in the *Mysore Gazette* ; and

(*b*) in respect of every prize competition for which a licence has been obtained under section 8, a tax at such rate not exceeding twenty-five per cent of the total sum received in respect of such competition, as may be specified by the State Government, by notification in the *Mysore Gazette*.

The tax shall be collected from the promoter of such lottery or prize competition, as the case may be.

(2) Notwithstanding anything contained in sub-section (1), the State Government may, by notification in the *Mysore Gazette*, direct that the tax to be levied in respect of a lottery or prize competition shall be at such rate not exceeding fifty per cent of the total sum received or due in respect of such lottery or prize competition as may be specified in the notification.

(3) The Deputy Commissioner may, after making such inquiry as he deems fit, determine the person who shall be deemed to be the promoter for the purposes of this section.

Calculation and recovery of tax levied under section 12.

13. (1) The amount of tax to be levied in respect of a lottery or prize competition under section 12, shall be calculated by the Deputy Commissioner on the total sum received or due in respect of the lottery or prize competition as disclosed in the accounts maintained and statements submitted to him under section 15.

(2) In cases where no such accounts are maintained or where no such statements are submitted or where such accounts or statements are in the opinion of the Deputy Commissioner, false or incorrect, the Deputy Commissioner shall make the calculation to the best of his judgment.

(3) The tax leviable under section 12 shall, in the case of a prize competition, be paid within thirty days of the end of each quarter and in the case of a lottery be paid within thirty days of the date on which such lottery is drawn.

(4) If any tax payable under section 12 is in arrear, the Deputy Commissioner may, in lieu thereof, recover any sum not exceeding double the amount of the tax so unpaid or any smaller sum above the amount of the tax which the Deputy Commissioner may think it reasonable to recover.

Licence fee and other dues to be recoverable as arrears of land revenue.

14. All sums payable as fees or taxes under this Act shall be recoverable as arrears of land revenue.

Promoters of lotteries or prize competitions to keep and maintain accounts.

15. Every person promoting a lottery or prize competition of any kind shall keep and maintain proper and correct accounts relating to such lottery or competition and shall submit to the Deputy Commissioner statements in such form and at such period as may be prescribed.

Penalty for failure to keep accounts.

16. If any promoter of a lottery or prize competition liable under section 15, to keep accounts or to submit statements, fails to keep the accounts or to submit the statements in the manner and at the period prescribed, he shall, on conviction, be punishable with fine which may extend to five hundred rupees.

Power of Deputy Commissioner to require production of accounts or to inspect accounts.

17. The Deputy Commissioner may, for the purposes of this Act, at all reasonable times—

(i) require any promoter of a lottery or prize competition to produce before him accounts or other documents or to furnish any other information ; or

(ii) inspect the accounts of any such promoter.

Power of entry and search.

18. It shall be lawful for a police officer—

(i) in the City of Bangalore not below the rank of a Sergeant or Sub-Inspector and either empowered by general order in writing or authorised in each case by special warrant issued by the District Magistrate, and

(ii) elsewhere not below the rank of a Sub-Inspector of Police, authorised by a special warrant issued in each case by a Magistrate of the First Class or a District Superintendent of Police or by an Assistant Superintendent of Police specially empowered by the State Government in this behalf ;

(*a*) to enter, with the assistance of such persons as may be found necessary, by night or by day, and by force, if necessary, any house, room, or place which he has reason to suspect is used for purposes connected with the promotion or conduct of any lottery or prize competition ;

(*b*) to search all parts of the house, room or place which he shall have so entered, the persons

whom he shall find therein and also such persons as may be specified by name in the warrant;

(*c*) to take into custody and bring before a Magistrate all such persons;

(*d*) to seize all things which are reasonably suspected to have been used or intended to be used in connection with a lottery or prize competition and which are found therein:

Provided that no officer shall be authorised by special warrant unless the District Magistrate, the District or Assistant Superintendent of Police concerned is satisfied, upon any complaint made before him on oath and upon making such inquiry as he thinks necessary, that there are reasonable grounds to suspect that the said house, room or place is used or is intended to be used for purposes connected with the promotion or conduct of an unlawful lottery or prize competition.

Searches how made.

19. All searches made under section 18, shall be made in accordance with the provisions of the Code of Criminal Procedure, 1904.

Power to arrest without warrant in certain cases.

20. A Police Officer may apprehend without warrant any person found or reasonably suspected of, committing an offence under clause (*a*), (*c*) or (*d*) of sub-section (1) of section 4, in any public street, or thoroughfare or in any place to which the public have or are permitted to have access.

Power of investigation.

21. (1) Every Officer not below the rank of Sub-Inspector of Police shall have power to investigate all offences punishable under this Act.

(2) Every such officer shall, in the conduct of such investigation, exercise the powers (except the power to arrest without warrant otherwise than under section 20) conferred by the Code of Criminal Procedure, 1904, upon an officer in charge of a police station for the investigation of a cognizable offence.

Offences to be bailable.

22. All offences punishable under this Act shall be bailable.

Jurisdiction to try offences.

23. No Magistrate, below the rank of a Magistrate of the First Class, shall try an offence under this Act.

Authorisation of certain officers to perform the functions of Deputy Commissioner.

24. The State Government may, by general or special order, authorise any officer to perform the functions of the Deputy Commissioner under any of the provisions of this Act.

Offences by corporation, etc.

25. Where a person committing an offence under this Act is a company or other body corporate or an association of persons (whether incorporated or not), every person who at the time of the commission of the offence was a director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge, be deemed to be guilty of such offence.

Deputy Commissioners and all officers to act subject to orders of State Government.

26. The Deputy Commissioners and all officers duly authorised under section 24 shall exercise the powers and perform the duties conferred and imposed on them by or under this Act, in accordance with such orders as the State Government may, from time to time, make.

Officers to be deemed public servants.

27. All officers acting under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

Protection of persons acting in good faith and limitation of suits and prosecutions.

28. (1) No suit, prosecution or other legal proceeding shall be instituted against any officer of the State Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

(2) No suit shall be instituted against the State Government and no prosecution or suit shall be instituted against any officer of the State Government in respect of anything done or intended to be done, under this Act, unless the suit or prosecution has been instituted within six months from the date of the act complained of.

Appeal and revision.

29. (1) Any person aggrieved by any order passed under this Act by the Deputy Commissioner or any officer authorised under section 24, may appeal against such order to the Excise Commissioner in Mysore or to such other officer as the State Government may appoint in this behalf.

(2) Every order passed in appeal under this section shall, subject to the powers of revision conferred by sub-section (3), be final and shall not be liable to be called in question in any court of law whether in a suit or other proceeding or by way of appeal or revision.

(3) The State Government, may, at any time, call for and examine the record of any order or the proceedings of, any officer or person for the purpose of satisfying itself as to the legality or propriety of such order passed by, or as to the regularity of such proceedings of, such officer or person and may pass such order in reference thereto as it thinks fit.

Exemption.

30. The State Government may exempt from all or any of the provisions of this Act any lottery or any prize competition the net proceeds of which are to be devoted to a charitable purpose.

Rules.

31. (1) The State Government may, by notification in the *Mysore Gazette,* make rules for the purposes of carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing provision, such rules may provide for the following matters :—

(i) the procedure for the grant of licences, the form of licence and the fees on payment of which and the conditions subject to which a licence shall be granted under section 10 ;

(ii) the manner in which the accounts shall be kept and maintained and the form in which and the period at which, the statements of accounts are to be submitted under section 15.

(3) Any rule made under this section may provide that any person contravening any such rule shall, on conviction, be liable to fine which may extend to one hundred rupees.

(4) Rules made under this section shall be subject to the condition of previous publication.

Saving.

32. Nothing in this Act shall apply to—

[1][(*a*) a licensee or a person to whom a permit has been granted under section 4 of the Mysore Race-courses Licensing Act, 1951, or to any entries in respect of any stake or bet received by such licensee or person ;]

(*b*) lotteries organised by the Government of India or the Government of a State within the meaning of entry 40 of List I in the Seventh Schedule to the Constitution of India.

Repeal of section 294-A of Act XLV of 1860.

33. The provisions of section 294-A of the Indian Penal Code (XLV of 1860), are hereby repealed.

---

1. Substituted by Act VIII of 1952.

MYSORE ACT No. XXIX OF 1951.

THE MYSORE WAREHOUSES ACT, 1951.

(AS AMENDED BY ACT XVII OF 1952.)

(Received the Assent of the President on the 7th day of August 1951.)

An Act to provide for the regulation and licensing of Warehouses in the [1] [State of Mysore except Bellary District.]

Preamble.

WHEREAS it is expedient to encourage the establishment of warehouses and make provision for their proper supervision and control;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Warehouses Act, 1951.

(2) It extends to the [1] [whole of the State of Mysore except Bellary District.]

(3) This section shall come into force at once; and the rest of this Act shall come into force on such date as the State Government may, by notification in the *Mysore Gazette*, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(1) "depositor" means a person who tenders his goods to a warehouseman for storing in his warehouse and shall include any person who lawfully holds the receipt issued by the warehouseman in respect of the goods and derives title to it by proper endorsement or transfer from the depositor or his lawful transferee;

(2) "goods" shall include agricultural and other raw produce, manufactured articles and merchandise;

(3) "prescribed" means prescribed by rules made under this Act;

1. See the Mysore Adaptation of Laws Order, 1953.

(4) "prescribed authority" means, in relation to any provision of this Act, the authority prescribed by rules to carry out such provision;

(5) "receipt" means a warehouse receipt in the prescribed form issued by a warehouseman to a depositor showing that certain goods described therein have been deposited in his warehouse;

(6) "rules" mean rules made by the State Government under this Act;

(7) "warehouse" means any building, structure or other protected enclosure which is or may be used for the purpose of storing goods; but does not include cloak rooms attached to hotels, railway stations, the premises of other public carriers and the like;

(8) "warehouseman" means a person who carries on the business of storing produce or goods on behalf of depositors and issues receipts for the goods stored in his warehouse but does not include a pledgee or commission agent.

CHAPTER II.

LICENSING OF WAREHOUSES.

Warehouseman not to carry on business without licence.

3. No person shall, without a licence, carry on the business of a warehouseman or hold himself out as a warehouseman.

Application.

4. Every person desirous of carrying on the business of a warehouseman shall take out a licence for the conduct of such business by making an application to the prescribed authority in the prescribed form.

Security to be given by the applicant.

5. No application for such licence shall be granted unless the applicant furnishes such security as is sufficient in the opinion of the prescribed authority for the proper conduct of the warehouse.

Conditions for the grant of licence.

6. (1) Before granting a licence, the prescribed authority may make any enquiry it considers necessary, and shall satisfy itself,

(*a*) that the warehouse mentioned in the application is suitable for the proper storage of the class or classes of goods for which it is intended;

(*b*) that the applicant is competent to conduct such a warehouse;

(*c*) that the applicant fulfils any other condition notified by the State Government under sub-section (2);

(*d*) that the applicant has paid the fee prescribed for the licence and has also furnished the security under section 5; and

(*e*) that there is no other reason for which the applicant may, in the opinion of the prescribed authority, be deemed to be disqualified.

(2) The State Government may, by notification in the *Mysore Gazette*, add to or alter the conditions under which a licence is granted to a warehouseman.

Term and renewal of licence.

7. Every licence granted under section 6 shall be valid for the prescribed period, and may, on the expiry of such period, be renewed by the prescribed authority on application and on payment of the prescribed fee, provided the conditions in sub-section (1) of section 6 continue to be fulfilled.

Suspension and cancellation of licence.

8. (1) A licence granted under section 6 or renewed under section 7 shall be liable to be suspended or cancelled either temporarily or permanently by the prescribed authority for reasons to be stated in writing and in particular if the warehouseman—

(*a*) has been adjudged an insolvent, or

(*b*) has parted in whole, or in part, with his control over the licensed warehouse, or

(*c*) has ceased to conduct such licensed warehouse, or

(*d*) has made exorbitant or unreasonable charges for the services rendered by him, or

(*e*) has in any other manner become incompetent to conduct the business of warehousing, or

(*f*) has contravened any of the terms of the licence or any of the provisions of this Act and the rules.

(2) The State Government may prescribe any other conditions under which a licence may be suspended or cancelled.

Notice of suspension and cancellation of licence.

9. (1) Before suspending or cancelling a licence under section 8, the prescribed authority shall give notice to the warehouseman of the grounds on which it is proposed to take action and give him a reasonable opportunity of showing cause against it.

(2) After considering the explanation, if any, offered by the warehouseman, the prescribed authority may suspend or cancel the licence or pass such orders as it deems just.

Arrangements for carrying on the warehousing business pending enquiry.

10. The prescribed authority may suspend the licence of a warehouseman pending the decision of the enquiry mentioned in section 9 and make interim arrangements, if necessary, for carrying on the warehousing business.

Return of licence.

11 (1) When a licence expires or is suspended or cancelled, the warehouseman shall cease to carry on the business of a warehouseman and shall return the licence to the prescribed authority.

(2) When a licence expires or is suspended or cancelled, the custody of the goods under deposit shall vest in the prescribed authority and such authority shall have the power to settle the claims of the depositors.

Duplicate licence.

12. If a licence granted to a warehouseman is lost, destroyed or damaged, the prescribed authority shall, on the application of the warehouseman and on payment of the prescribed fee, issue a duplicate licence.

Penalty for carrying on business as a warehouseman without a licence.

13. Any person who carries on the business of a warehouseman without a licence, or who without a licence holds himself out as a licensed warehouseman, shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

Publication of list of licensed warehouses.

14. The State Government shall publish in the *Mysore Gazette* the names and locations of warehouses licensed under this Act with the names and addresses of the licensees and also a list of all licences suspended or cancelled under this Act.

CHAPTER III.

DUTIES OF A WAREHOUSEMAN.

Reasonable care of the goods deposited to be taken.

15. Every warehouseman shall take such care of the goods deposited with him as a man of ordinary prudence would take of his own goods under similar circumstances and conditions.

(Chapter III—Duties of a Warehouseman)

Precautions against damage or injury to goods.

16. (1) Every warehouseman shall keep his warehouse clean and in a sanitary condition, and take all necessary precautions against rats and other pests which are likely to cause damage or injury to any of the goods stored in the warehouse, and fulfil such other conditions as may be prescribed.

(2) No warehouseman shall accept for storing in his warehouse goods which are contaminated or infected by worms or pests, and which are likely to cause damage to other goods stored in the warehouse.

Accounts and books to be maintained by warehouseman.

17. (1) Every warehouseman shall keep and maintain in a place of safety such books, accounts and records as may be prescribed, and shall allow them to be inspected in such manner and by such persons as may be prescribed.

(2) Any warehouseman who contravenes sub-section (1) shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

Preservation of identity of goods.

18. Every warehouseman shall exercise such care to keep in his warehouse the goods of different depositors separate from each other so as to permit at all times the identification of the ownership and the maintenance of the quality of the goods deposited and to facilitate easy delivery of such goods on demand by depositors :

Provided that where standardised and graded goods are stored in a warehouse, then, subject to any agreement between the warehouseman and any depositor, the same variety of goods belonging to different depositors may be mingled together and each depositor shall be entitled only to his portion of the goods according to weight or quantity, as the case may be, as shown in his receipt.

Maintenance of warehouse.

19. Every warehouseman shall build and maintain the warehouse in such manner as is laid down in the terms of licence granted to him.

Warehouseman to allow facilities for the depositor to inspect.

20. Every warehouseman shall allow necessary facilities for the depositor to inspect and satisfy himself that his goods are properly cared for.

(Chapter III—Duties of a Warehouseman)

Goods deteriorating in warehouse and their disposal.

21. (1) Whenever goods stored in a warehouse deteriorate from causes beyond the control of the warehouseman, he shall forthwith give notice of such deterioration to the depositor and of their liabilities to be sold on a specified date and requiring the depositor to take delivery of the goods immediately, after surrendering the receipt duly discharged and paying all charges due to the warehouseman.

(2) If the depositor does not, within a reasonable time, comply with the notice given to him under sub-section (1), the warehouseman may cause the goods to be removed from the warehouse and dried or reconditioned and sold by public auction at the cost and risk of the depositor.

(3) Any person having an interest in any goods deposited in a warehouse or in the receipt covering such goods may notify the warehouseman in writing of the fact and nature of his interest and the warehouseman shall keep a record thereof; and if such person requests in writing that he be given notice regarding the condition of the goods and agrees to pay the charges for giving such notice, the warehouseman shall give him notice accordingly.

Delivery of goods.

22. (1) Every warehouseman shall deliver the goods on demand by the holder of the warehouse receipt, on his offer to satisfy the warehouseman's lien, to surrender the receipt properly endorsed, and to give, when the goods are delivered, an acknowledgment that they have been delivered: provided that where a duplicate receipt has become issuable under this Act but cannot be issued within a reasonable time due to any extraordinary or technical reasons and it is necessary to deliver the goods forthwith to avoid deterioration, a warehouseman may deliver the goods without the receipt being surrendered on terms as to indemnity.

(2) Every such receipt after being so surrendered to the warehouseman shall be defaced by him and no such receipt shall be re-issued :

Provided that it shall be lawful for the warehouseman upon the surrender of such receipt, when part only of the goods is delivered on request, to issue to the depositor a new receipt for the goods remaining undelivered.

(Chapter III—Duties of a Warehouseman)

Warehouseman not to deal in or lend against goods in his warehouse.

23. (1) Notwithstanding anything contained in any other law, no warehouseman [1][other than a Co-operative Society registered under the Mysore Co-operative Societies Act 1948] shall, either on his own account or that of others, deal in, or lend money on, goods received by him for deposit in his warehouse.

(2) Any person who contravenes sub-section (1) shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

Penalty for delivery of goods without surrender of receipt or re-issue of surrendered receipt.

24. Any warehouseman who delivers any goods out of the warehouse save as provided in section 22 or who re-issues any receipt surrendered to him, shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

Penalty for issue of receipt for goods not in the warehouse, etc.

25. Any warehouseman who issues any receipt for goods which are not in his warehouse or who issues two or more receipts for the same goods or who issues receipts for goods in which he has any share or interest or who aids or abets any other person to do so shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Discrimination prohibited.

26. Every warehouseman shall accept for storage in his warehouse so far as its capacity permits any goods tendered for warehousing by any depositor in the ordinary course of business without showing such discrimination between persons desiring to avail themselves of the facilities of his warehouse as will prejudicially affect their interests:

[2][Provided that the warehouseman shall show such preference to co-operative societies registered under the Mysore Co-operative Societies Act, 1948, and allow them such concessional rates as the Government may, from time to time, by order, direct.]

Insurance of goods in warehouse.

27. Every warehouseman shall insure, in such manner as may be prescribed, the goods stored in his warehouse against loss or damage by fire, floods, theft or any other accident.

Warehouseman's lien.

28. Every warehouseman shall have a lien on the goods stored in his warehouse for the cost of storage and

1. Inserted by Act XVII of 1952.
2. Substituted by Act XVII of 1952.

preservation of the goods and for all the lawful charges incidental to the business.

CHAPTER IV.

INSPECTION AND CLASSIFICATION OF GOODS.

Inspection.

29. The prescribed authority may inspect or examine a warehouse licensed under this Act, its machinery, equipment, goods stored therein and the account books and records relating thereto, at any time during business hours, for the purpose of satisfying itself that the requirements of this Act and the rules are being complied with.

Licensed samplers, weighers and classifiers.

30. (1) The prescribed authority may issue licences to qualified and competent persons entitling them to act as samplers, weighers and classifiers of any goods stored or to be stored in a warehouse and to issue certificates as to quality, weight or grade of the goods which they have examined.

(2) The certificates issued by samplers, weighers, and classifiers as to quality, weight or grade of the goods stored in the warehouse shall, subject to any order in appeal preferred by either of them to the Board of Arbitrators, be binding on the warehouseman and the depositor.

(3) The prescribed authority may appoint a Board of Arbitrators to decide on any complaints against samplers, weighers and classifiers or warehousemen relating to quality, weight or grade of goods stored in the warehouse. The decision of the Board of Arbitrators shall be final and shall not be liable to be questioned in any court of law.

Suspension or cancellation of licence.

31. Subject to rules made in this behalf, every licence granted to a sampler, weigher or classifier may be suspended or cancelled by the prescribed authority.

Return of licence.

32. Whenever a licence granted to a sampler, weigher or classifier expires, or is suspended or cancelled, he shall return it to the prescribed authority

Prohibition of unlicensed weighers, classifiers, etc.

33. (1) No person who is not licensed under this Chapter shall act or hold himself out as a sampler, weigher or classifier.

(2) Any person who contravenes sub-section (1) shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

(Chapter V—Warehouse Receipts—
Chapter VI—Miscellaneous)

CHAPTER V.

WAREHOUSE RECEIPTS.

Issue of receipts.

34. (1) A warehouseman shall issue a receipt in the prescribed form containing full particulars in respect of the goods stored in his warehouse by each depositor.

(2) The State Government may prescribe the stamp duty that may be levied in respect of a receipt issued under this section.

Receipt transferable by endorsement.

35. A receipt issued by a warehouseman shall, unless specified otherwise thereon, be transferable by endorsement, and shall entitle its lawful holder thereof to receive the goods specified in it on the same terms and conditions as the original depositor.

Duplicate receipt.

36. If a receipt is lost, destroyed or damaged, the warehouseman shall, on application by the depositor and payment of the prescribed fee, issue a duplicate receipt. The duplicate receipt shall be issued under such conditions as may be prescribed.

CHAPTER VI.

MISCELLANEOUS.

No compensation for suspension or cancellation of licences.

37. Where any licence is suspended or cancelled under this Act, the licensee shall not be entitled to any compensation therefor, nor shall he be entitled to any refund of any fee paid by him for the licence.

Contracts and agreements inconsistent with Act to be void.

38. Every contract or agreement which is inconsistent with the provisions of this Act or the rules, shall, to the extent of such inconsistency, be void.

Penalty.

39. Whoever knowingly or wilfully contravenes any of the provisions or requirements of this Act or the rules shall, if no express provision is made by this Act for the punishment of such contravention, be punishable with imprisonment for a term which may extend to one year or with fine or with both.

Offences by Corporations.

40. Where a person committing any offence under this Act is a company or an association or body of persons whether incorporated or not, every director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

Appeal to State Government.

41. An appeal shall lie to the State Government within such period and subject to such conditions as may be prescribed against any order passed by the prescribed authority under any of the provisions of this Act.

Act not to affect warehouse under any other enactment.

42. Nothing in this Act shall be deemed to apply to warehouses established or licensed under any other enactment for the time being in force.

Rules.

43. (1) The State Government may, by notification in the *Mysore Gazette*, make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all, or any of the following matters, namely :—

(*a*) the authority empowered to carry out the duties under this Act ;

(*b*) the form of application for the grant of licence to a warehouseman and the period and conditions of licence, its renewal, and conditions for the issue of a duplicate licence ;

(*c*) the form of receipt to be issued by a warehouseman, the particulars to be specified therein and the conditions for the issue of duplicate receipts ;

(*d*) the nature of the accounts, books and records to be maintained by a warehouseman and the persons by whom and the manner in which they may be inspected ;

(*e*) the manner of giving notices under this Act ;

(*f*) the manner of conducting a public auction for the sale of goods deteriorating in a warehouse and accounting for the proceeds of such sale ;

(*g*) the constitution of the Board of Arbitrators and the procedure to be followed in proceedings before the Board and the mode of executing their award ;

(*h*) the qualifications and grant of licences to samplers, weighers and classifiers, the conditions and period of their licences, the form of certificates to be issued by them, renewal of their licences, the conditions under which the licences may be suspended or cancelled and the conditions for the issue of duplicate licences ;

(*i*) the amount of fees for the grant of licences under this Act and their renewal and for the issue of duplicate licences ;

(*j*) the regulation of the schedule of fees or charges to be levied by a warehouseman for storing goods in the warehouse ;

(*k*) the standard weights, measures and classifications of goods to be used in warehouses under this Act ;

(*l*) the publication of the grant, suspension or cancellations of licences and the list of licensed warehouses ;

(*m*) matters arising out of sub-section (2) of section 11 of this Act ;

(*n*) all matters expressly required or allowed by this Act to be prescribed ; and

(*o*) generally for the efficient conduct of the business of warehouseman.

THE MYSORE HOUSE RENT AND ACCOMMODATION CONTROL ACT, 1951.

ARRANGEMENT OF SECTIONS.

Sections.

1. Short title, extent, application, commencement and duration.
2. Definitions.
3. Lease of houses becoming vacant.
3A. Eviction by the controller.
3B. Restriction on sale or hire of furniture in any house let to a tenant.
4. Determination of fair rent.
5. Lawful increase of or addition to or reduction in fair rent in what cases admissible.
6. Landlord not to claim or receive anything in excess of fair rent or agreed rent.
7. Issue of receipts for rent.
7A. Right of tenant to deposit rent in certain cases.
7B. Time for deposit and savings.
7C. Eviction of tenant in occupation of a house under an allotment order.
8. Eviction of tenants.
8A. Deposit and payment of rent during the pendency of proceeding for eviction.
9. Landlord not to interfere with amenities enjoyed by the tenant.
10. Execution of orders.
11. Decisions which have become final not to be reopened.
12. Conversion of residential houses.
13. Landlord's duty to keep house in good repair.
14. Orders to be pronounced in open court.
15. Appeal to the District Judge.
16. Costs.
17. Revision by the High Court.
18. Orders under the Act to be biuding on sub-tenants.
19. Proceedings by or against legal representatives.

Sections.

20. Exemptions.

21. Local authorities to furnish certified extracts from property tax assessment books.

22. Landlord and tenant to furnish particulars.

23. Power to evict from Government buildings.

24. Penalties.

24A. Protection for action taken in good faith.

25. Power to make rules.

26. Code of Civil Procedure to be followed in proceedings under the Act.

27. Continuance in force of existing proceedings, orders, etc.

28. Amendment of Schedules.

29. Repeal.

First Schedule.

Second Schedule.

MYSORE ACT NO. XXX OF 1951.

THE MYSORE HOUSE RENT AND ACCOMMODATION CONTROL ACT, 1951.

(As amended by Act 22 of 1954)

(Received the assent of the President on the 16th day of August 1951.)

An Act to regulate the leasing of houses and for control of rent in the State of Mysore.

Preamble.

WHEREAS it is expedient to regulate the letting of residential and non-residential houses and to control the rents of such houses and to prevent unreasonable eviction of tenants therefrom in the State of Mysore ;

It is hereby enacted as follows :—

Short title, extent, application, commencement and duration.

1. (1) This Act may be called the Mysore House Rent and Accommodation Control Act, 1951.

(2) It extends to all the areas to which the Mysore House Rent and Accommodation Control Order, 1948, was extended and to such other areas in the State as the State Government may, from time to time, specify by notification in the *Mysore Gazette* ; but save as provided in section 23, it shall not apply—

(*a*) to any house belonging to the State Government or the Central Government ; or

(*b*) to any tenancy or other like relationship created by a grant from the State Government in respect of houses taken on lease or requisitioned by the State Government.

(3) It shall come into force at once.

[1][(4) It shall cease to have effect on the first day of January 1957, except as respects things done or omitted to be done before that date, and section 6 of the Mysore General Clauses Act, 1899 (Mysore Act III of 1899), shall apply upon the expiry of this Act as if it had then been repealed by a Mysore Act.]

1. Inserted by Act 22 of 1954.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) "Controller" means, in respect of any local area, any person appointed by the State Government to perform the functions of the Controller, under this Act in such area;

[1][(2) 'court' means, in respect of any local area, any court of Munsiff which may be specially authorised by the State Government by notification in the *Mysore Gazette* in this behalf; or where no court of Munsiff is so authorised the court of the Munsiff having territorial jurisdiction in such area;]

(3) "fair rent" means the fair rent fixed under section 4;

(4) "house" means, in the areas specified in the First Schedule, any building or part of a building let or to be let separately, for residential or non-residential purposes, and elsewhere, any building or part of a building let or to be let only for residential purposes and includes—

(*a*) the garden, grounds and out-houses, if any, appurtenant to such building, or part of such building and let or to be let along with such building;

(*b*) any furniture or fittings supplied by the landlord for use in such building or part of a building but does not include a room in a hotel or boarding house;

(5) "landlord" includes the person who is receiving or is entitled to receive the rent of a house, whether on his own account or on behalf of another or on behalf of himself and others, or as an agent, trustee, executor, administrator, receiver or guardian or who would so receive the rent or be entitled to receive the rent, if the house were let to a tenant;

[1][*Explanation.*—Any tenant who sublets shall be deemed to be a landlord within the meaning of this Act in relation to the sub-tenant.]

1. Substituted by Act 22 of 1954.

(6) "local authority" means the City of Bangalore Municipal Corporation or a Trust Board or a District Board or a City Municipal Council or a Town Municipal Council [1]* * * * or a Sanitary Board or a Town Board or a Village Panchayet as the case may be;

[2][(6*a*) 'member of his family' when used with reference to a landlord means his son or daughter or father or mother and where the landlord is a member of a joint Hindu family also his undivided brother or such brother's widow who has not remarried;]

(7) "prescribed" means prescribed by rules made under this Act;

(8) "schedule" means a schedule to this Act.

(9) "tenant" means any person by whom or on whose account rent is payable for a house and includes [2][the surviving spouse or any son or daughter of a deceased tenant who had been living with the tenant in the house as a member of the tenant's family up to the death of the tenant and] a person continuing in possession after the termination of the tenancy in his favour, but does not include a person placed in occupation of a house by its tenant or a person to whom the collection of rents or fees in a public market, cart-stand or slaughter-house or of rents for shops has been farmed out or leased by a local authority.

Lease of houses becoming vacant.

[3][**3.** (1) (*a*) Except as hereinafter provided in this section, no person shall let, occupy or otherwise use, any house in the areas specified in the Second Schedule.

(*b*) For the purposes of this section—

(i) notwithstanding anything to the contrary contained in clause (4) of section 2, 'house' includes a building or part of a building used or to be used for residential or non-residential purposes;

---

1. The words "or a Minor Municipal Council" omitted by Act 22 of 1954.
2. Inserted by Act 22 of 1954.
3. Sections 3, 3A and 3B substituted by Act 22 of 1954.

(ii) any house newly constructed or reconstructed shall be deemed to have become vacant as soon as it is fit for occupation.

(2) (*a*) Every landlord shall, within seven days after the house becomes vacant by his ceasing to occupy it, or by the termination of the tenancy or by the eviction of the tenant or by the release of the house from requisition, or otherwise, give intimation to the Controller containing such particulars as may be prescribed.

(*b*) Nothing in clause (*a*) shall apply to a house--

(i) in respect of which the landlord has obtained an order for possession on any of the grounds specified in sub-section (3) of section 8, or

(ii) which has been released from requisition for the occupation of the landlord or of a member of his family, or

(iii) which has been newly constructed or reconstructed for the occupation of the landlord or of a member of his family :

Provided that if the landlord or the member of his family concerned does not occupy the house within two months from the date of obtaining possession or the completion of construction or reconstruction, as the case may be, the landlord shall immediately after the said period of two months give intimation to the controller in accordance with the provisions of clause (*a*) and for this purpose the house shall be deemed to have become vacant on the date of the intimation.

Explanation:—In this clause 'occupation of the landlord' with reference to a house held on behalf of a beneficiary by any trustee, executor, administrator, receiver or guardian means occupation of such beneficiary.

(*c*) If the intimation given under clause (*a*) is, in the opinion of the Controller, materially defective, he may, within seven days from the date of receipt of such intimation, direct the landlord to give a true and correct intimation in the prescribed form and the landlord shall comply with the direction of the Controller within four days from the date of receipt of the communication from the Controller.

(3) (*a*) On receipt of the intimation under sub-section (2), the Controller shall, taking into consideration any representation made by the landlord and after making such inquiry as he considers necessary, select the State Government or the Central Government or the Government of any other State in India, or any local authority or any educational or other public institution or any officer of any Government, authority or institution, aforesaid, or any other person (hereinafter referred to as the 'allottee'), to be inducted as a tenant in the house and direct the landlord by a written order (hereinafter referred to as the 'allotment order') to let the house to such allottee at such rent as shall be specified in the allotment order and to deliver possession of the house to the allottee on such date as shall be specified in the said order:

Provided that before making an allotment order in favour of any authority or person, other than the State Government, the Central Government or the Government of any State in India or a local authority, the Controller shall consider any representation of the landlord about the suitability of the proposed tenant and shall not allot the house to any person who, in the opinion of the Controller, is an unsuitable tenant:

Explanation.—For the purposes of this proviso a person shall be deemed to be an unsuitable tenant,

(i) if he has been previously evicted from any house under section 7C or on the ground specified in clause (i) of sub-section (2) of section 8, and the arrears of rent due in respect of such house remains unpaid; or

(ii) if he has been previously evicted from any house on the ground specified in clause (iv) of sub-section (2) of section 8 or on the ground that he had been using the house or allowing the house to be used for immoral or illegal purposes:

Provided further that in respect of a house referred to in paragraph (i) of clause (*b*) of sub-section (2) if the tenant who has been evicted under sub-section (3) of section 8 is willing to occupy the house, the Controller shall make an allotment order in his favour:

Provided further that in cases other than those referred to in clause (*b*) of sub-section (2), if the landlord has

made any representation that he needs the house for his own occupation or for the occupation of a member of his family, the Controller shall, if satisfied, after due enquiry, that the house is so needed, by written order permit such occupation :

Provided further that the rent specified in the allotment order shall not be less than—

(i) the fair rent, if any, fixed for the house under the provisions of this Act ; or

(ii) if no fair rent has been fixed for the house, the rent last paid for the house ; or

(iii) If no rent was last paid, the rent determined by the Controller on the basis of the rental value of the house as entered in the property tax assessment book of the local authority; or

(iv) if no property tax has been assessed in respect of the house, the rent determined by the Controller on the basis of the prevailing rates of rent in the locality for similar houses in similar circumstances:

Provided also that unless the rent specified in the allotment order is the fair rent of the house, the tenant or the landlord shall be entitled to apply for fixation of fair rent in respect of the house.

(*b*) Notwithstanding anything contained in clause (*a*), no allotment order shall be made by the Controller unless—

(i) the allottee has made an application in the prescribed form to the Controller for allotment of a house for his use or occupation ;

(ii) the allottee deposits with the Controller an amount equal to one month's rent of the house to be allotted ; and

(iii) the Controller is satisfied that the allottee is not occupying or for reasonable cause cannot occupy a house which is his own (or to the possession of which he is entitled) and which is suitable for his requirements :

Provided that nothing in this clause shall apply to an allotment order in favour of the State Government or the Central Government, or the Government of any other State in India or a local authority.

(*c*) If within fifteen days from the date of receipt of an intimation by the Controller under clause (*a*) of sub-section (2) or where such intimation is materially defective, within fifteen days from the date of receipt by the Controller of a true and correct intimation under clause (*c*) of sub-section (2), as the case may be, no allotment order is served on the landlord, the landlord, shall be at liberty to use or deal with the house as he may think fit.

(4) Where intimation is given under sub-section (2) to the Controller, the landlord shall not let the house to a tenant or occupy it himself or use or permit the use of the house in any manner by any other person before the expiry of the period of fifteen days specified in sub-section (3), unless in the meantime he has received an order from the Controller that the house may be used or dealt with as the landlord thinks fit.

(5) (*a*) Upon the service of an allotment order under sub-section (3), the landlord shall deliver possession of the house to the allottee concerned on the date specified in the said order and such allottee shall be deemed to be the tenant of the landlord with effect from the date on which the Controller received a true and correct intimation under sub-section (2), at the rate of rent specified in the allotment order [and subject to the fifth proviso to clause (*a*) of sub-section (3)], the other terms of the tenancy being such as may be agreed upon between the landlord and the tenant, or in default of agreement as may be determined by the court.

(*b*) On the delivery of the possession of the house to the allottee under clause (*a*), the Controller shall pay to the landlord the amount, if any, deposited by the allottee under clause (*b*) of sub-section (3), and such amount shall be deemed to be payment by the tenant to the landlord towards advance of rent.

(6) (*a*) Where an allottee fails to take delivery of possession of the house on the date specified in the allotment order under sub-section (3), the house shall be deemed to have become vacant from that date and the landlord shall again give intimation of the vacancy to the Controller under sub-section (2) and the provisions of this section shall apply to the house.

(*b*) On receipt of an intimation under clause (*a*), the Controller shall pay to the landlord out of the amount, if any, deposited by the first allottee under clause (*b*) of sub-section (3), the rent of the house for the period from the date of intimation of vacancy by the landlord till the date specified in the allotment order as the date for delivery of possession of the house, and the balance, if any, shall be forfeited to the State Government.

(7) Any house taken on lease by the State Government under this section may be put to any such use as the State Government thinks fit, and in particular, the State Government may permit the use of the house for the purpose of any public institution or of a local authority or of the Central Government or of any other State Government or as a residence of any officer in the service of the State Government or of the Central Government, or of any other State Government or of a local authority.

(8) (*a*) The Controller or any prescribed officer may summarily dispossess any landlord who fails to deliver to the allottee concerned possession of any house in respect of which such allottee is deemed to be the tenant by virtue of this section, and take possession of the house including any portion thereof in the occupation of any person and deliver possession thereof to the allottee concerned ; and thereupon notwithstanding anything contained in sub-section (4), the allottee concerned shall be deemed to be the tenant of the landlord with effect from the date of delivery of possession of the house to such allottee.

(*b*) If free access to the house is not afforded to the Controller or the prescribed officer under clause (*a*), he may, after giving reasonable warning and facility to withdraw to any woman not appearing in public according to the customs of the country, remove or open any lock or bolt or break open any door or do any other act necessary for effecting such dispossession.

(*c*) Any landlord or other person liable to be summarily dispossessed under clause (*a*), shall pay to the State Government the expenses, if any, incurred by the State Government in effecting such summary dispossession, as may be determined by the Controller ; and the amount payable to the State Government shall be recoverable as arrears of land revenue.

(*d*) No appeal shall lie against any action of the Controller or the prescribed officer under this sub-section.

(9) Nothing contained in this section shall apply—

(i) to a residential house the monthly rent of which does not exceed rupees fifteen per month or the annual rental value of which does not exceed one hundred and eighty rupees ; or

(ii) to a non-residential house the monthly rent of which does not exceed twenty-five rupees or the annual rental value of which does not exceed three hundred rupees ; or

(iii) to any house in the same city, town or village owned by any company, association or firm, whether incorporated or not, and *bona fide* intended solely for the occupation of its officers and servants.

Eviction by the Controller.

3-A. (1) Where in acccordance with the provisions of section 3, the vacancy of any house is required to be intimated to the Controller and is not so intimated, and the Controller believes or has reason to believe that any person has in contravention of section 3, occupied the house or any part thereof, he may, by notice in writing, call upon the person in occupation to show cause, within a time to be fixed by him, why he should not be evicted therefrom :

Provided that no notice under this sub-section shall be issued if the Controller is of opinion that there has been undue delay or it is otherwise inexpedient to issue such notice.

(2) If the person to whom a notice is issued under sub-section (1) fails to appear before the Controller, or having appeared, fails to satisfy the Controller that he is entitled to remain in occupation of the house, the Controller may, without prejudice to any other action which may be taken against him under this Act or under any other law for the time being in force, direct him by order in writing to vacate the house within such period as shall be specified in the order and deliver possession thereof to the Controller.

(3) (*a*) Upon the service of an order under sub-section (2), the person against whom the order is made and every

person claiming under him shall vacate the house and deliver possession thereof to the Controller. If the house is not vacated and its possession delivered to the Controller within the period specified in the order, the Controller may summarily dispossess the persons in occupation and take possession of the house, and thereupon the provisions of section 3 shall apply to the house as if intimation of vacancy of the house was given to the Controller on the date on which he took possession of it.

(*b*) The provisions of clauses (*b*), (*c*) and (*d*) of sub-section (8) of section 3 shall apply to any action by the Controller under clause (*a*).

Restriction on sale or hire of furniture in any house let to a tenant.

3-B. (1) No person shall make the purchase or hire of any furniture in any house, a condition of the grant, renewal or continuance of a tenancy of such house and no person shall sell or hire the furniture in any house of which he is the landlord to the tenant of such house, except under a permit in the prescribed form from the Controller and such permit shall not be given unless the price or hire is reasonable.

(2) Where any house is let at a rent which includes payment in respect of the use of furniture the Controller may, on application of the tenant made within six months of the beginning of the tenancy and in the case of tenancies in force on the date of commencement of the Mysore House Rent and Accommodation Control (Amendment) Act, 1954, on application of the tenant made within six months from the date of such commencement, reduce the portion of the rent which according to the Controller was added in respect of the furniture, to a fair and reasonable amount if he finds that such portion of the rent was unduly high; and the resultant rent of the house shall be stated by the Controller and shall be deemed to be the fair rent fixed under section 4.]

Determination of fair rent.

4. (1) The Controller may, in any case, and shall, on the application of the tenant or landlord of a house, fix the fair rent for such house after holding such enquiry as the Controller thinks fit :

Provided that if rent had been agreed upon between the landlord and the tenant for a specific period either

by a written agreement or otherwise prior to the sixteenth day of June, 1942, in the case of a house let for residential purposes, or the seventeenth day of September, 1944, in the case of a house let for non-residential purposes, such rent shall not be altered during such period, unless the Controller is satisfied that unfair advantage has been taken by the landlord of the needs of the tenant to obtain such agreement :

Provided further that no application for fixation of fair rent shall be entertained if preferred after a period of three months from the date of commencement of the tenancy or from the date of enhancement of rent, if any, [1][demanded and paid :]

Provided further in the case of any lease entered into prior to the date of the commencement of this Act any tenant or landlord—not otherwise prevented by any of the provisions of this Act—may apply within three months from the date of commencement of this Act to have the fair rent of the building fixed under this section.

(2) In fixing the fair rent under sub-section (1), the Controller shall have due regard—

(*a*) to the prevailing rates of rent in the locality for the same or similar house in similar circumstances during the twelve months prior to the first day of April, 1942 ;

(*b*) to the rental value as entered in the property tax assessment book of the local authority relating to the period mentioned in clause (*a*) ;

(*c*) to the circumstances of the case, including any amount paid by the tenant by way of premium or any other like sum in addition to rent after the first day of April, 1942.

(3) In fixing the fair rent of residential houses, the Controller may allow--

(i) if the rate of rent or rental value referred to in sub-section (2) does not exceed Rs. 25 per mensem, an increase not exceeding $33\frac{1}{3}$ per centum on such rate or rental value ;

1. Substituted by Act 22 of 1954.

(ii) if the rate of rent or rental value exceeds Rs. 25 per mensem but does not exceed Rs. 50 per mensem, an increase not exceeding 50 per centum on such rate or rental value;

(iii) if the rate of rent or rental value exceeds Rs. 50 per mensem, an increase not exceeding 75 per centum on such rate or rental value.

(4) In fixing the fair rent of non-residential houses, the Controller may allow—

(i) in the case of hotels, cinema theatres and other places of amusement, an increase not exceeding 200 per centum on the rate of rent or rental value referred to in sub-section (2);

(ii) in other cases an increase not exceeding 150 per centum on the rate of rent or rental value referred to in sub-section (2).

(5) In the case of a house which has been constructed after the first day of April, 1942, the fair rent fixed shall not exceed six per centum per annum on the capital cost of the house and in the case of any other house, the fair rent fixed, shall not exceed four per centum per annum of the current market value of the house.

Lawful increase of or addition to or reduction in fair rent in what cases admissible.

5. (1) When the fair rent of a house has been fixed under section 4, no further increase in such fair rent shall be permissible except in cases where some addition, improvement or alteration has been carried out at the landlord's expense and if the house is then in the occupation of a tenant, at the request of such tenant, or the rental value as entered in the property tax assessment book of the local authority has been increased:

Provided that an increase in fair rent under this sub-section shall be fixed having regard to the said increase in the rental value, and in the case of any addition, improvement or alteration, not exceeding six per centum per annum on the cost of such addition, improvement or alteration, and it shall not be chargeable until such addition, improvement or alteration has been completed.

(2) Where the landlord pays in respect of any house any charge for electricity or water consumed in the

house, or any other charge levied by a local authority having jurisdiction in the area which is ordinarily payable by the tenant, he may recover from the tenant any amount so paid by him; but no landlord shall recover from his tenant, whether by means of an increase in rent or otherwise, the amount of any tax on house or land imposed in respect of the house occupied by the tenant.

(3) Where, after the fair rent of a house has been fixed under this Act, there is a decrease or diminution in the accommodation or amenities provided, the tenant may claim a reduction in the fair rent as so fixed.

(4) Any dispute between the landlord and the tenant in regard to any increase or addition or reduction claimed under this section, shall be decided by the Controller.

Landlord not to claim or receive anything in excess of fair rent or agreed rent.

[1][**6.** (1) Where the Controller has determined the fair rent of a house—

(*a*) the landlord shall not claim, receive or stipulate for the payment of—

(i) any premium or other like sum in addition to such fair rent, or (ii) save as provided in section 5 of any rent in excess of such fair rent :

Provided that the landlord may receive, or stipulate for the payment of, an amount not exceeding two months' rent by way of advance ;

(*b*) save as provided in clause (*a*), any premium or other like sum or any rent paid in addition to, or in excess of such fair rent, whether before or after the commencement of this Act, in consideration of the grant, continuance or renewal of the tenancy of the house after such commencement, shall be refunded by the landlord to the person by whom it was paid or at the option of such person shall be otherwise adjusted by the landlord :

Provided that where before the determination of the fair rent, rent has been paid in excess thereof, the refund or adjustment shall be limited to the amount paid in excess for a period of one year immediately before such determination.

1. Substituted by Act 22 of 1954.

(2) Where the fair rent of a house has not been so determined—

(*a*) the landlord shall not, after the commencement of the Mysore House Rent and Accommodation Control (Amendment) Act, 1954, claim, receive or stipulate for the payment of, any premium or other like sum in addition to the agreed rent:

Provided that the landlord may receive, or stipulate for the payment of, an amount not exceeding two months' rent, by way of advance:

(*b*) save as provided in clause (*a*), any sum paid in excess of the agreed rent whether before or after the commencement of the Mysore House Rent and Accommodation Control (Amendment) Act, 1954, in consideration of the grant, continuance or renewal of the tenancy of the house after such commencement, shall be refunded by the landlord to the person by whom it was paid or at the option of such person, shall be otherwise adjusted by the landlord.

Explanation.— For the purpose of this sub-section 'agreed rent' shall, in respect of a house allotted under section 3, mean the rent specified by the Controller in the allotment order.

(3) Any stipulation in contravention of sub-section (1) or sub-section (2) shall be null and void.]

Issue of receipts for rent.

7. (1) Every landlord may and at the request of the tenant shall, at the time of receiving the rent, issue a written receipt to the tenant giving full particulars of the month to which the rent relates and the amount received.

(2) If any landlord fails to issue a receipt in accordance with sub-section (1), the tenant may remit to the landlord the rent on the date it falls due by postal money order deducting the money order commission.

(3) Nothing in sub-section (2) shall prevent the prosecution of any landlord in respect of a contravention of the provisions of sub-section (1).

Right of tenant to deposit rent in certain cases.

[1][**7-A.** (1) Where the address of the landlord or his authorised agent is not known to the tenant, or the

1. Sections 7A, 7B and 7C inserted by Act 22 of 1954.

landlord refuses to accept the rent remitted by postal money order under section 7, the tenant may deposit the rent lawfully payable to the landlord in respect of the house, together with such fee, as may be prescribed for the service of the notice referred to in sub-section (2), before the Controller and in such manner as may be prescribed and continue to deposit any rent, which may subsequently become due in respect of the house, together with the fees prescribed as aforesaid, before the Controller in the same manner until the address of the landlord or his authorised agent becomes known to the tenant, or until the landlord signifies by notice in writing to the tenant his willingness to accept any subsequent rent which becomes due in respect of the house, as the case may be.

(2) When any deposit is made under sub-section (1) the Controller shall cause notice of the deposit to be served by affixture at the last known place of residence of the landlord and in such other manner as may be prescribed; and the amount deposited may, subject to such conditions as may be prescribed, be withdrawn by the landlord on application made by him to the Controller in that behalf.

(3) (*a*) Where any *bona fide* doubt or dispute arises as to the person who is entitled to receive the rent for the house the tenant may deposit such rent before the Controller in such manner as may be prescribed and may continue to deposit any rent which may subsequently become due in respect of the house before the Controller in the same manner until the doubt is removed or the dispute is settled by the decision of a competent court or by a settlement between the parties or until the Controller makes an order under clause (*b*), as the case may be.

(*b*) If after such enquiry as he thinks fit, the Controller is not satisfied that a *bona fide* doubt or dispute exists in the matter he shall forthwith order payment of the amount deposited to the landlord.

(4) Where the Controller does not pass an order under clause (*b*) of sub-section (3) any amount or amounts deposited under sub-section (3) may be withdrawn only by the person who is declared by a competent court to be entitled thereto, or in case the doubt or dispute is removed by a settlement between the parties only by the person

who is held by the Controller to be entitled to the amount or amounts in accordance with such settlement.

Time for deposit and savings.

7-B. (1) No rent deposited under section 7-A shall be deemed to have been validly deposited under that section for purposes of sub-section (1) of section 7-C or clause (i) of sub-section (2) of section 8, unless deposited within fifteen days of the time fixed in the agreement of tenancy with the landlord for payment of the rent, or in the absence of such agreement unless deposited within fifteen days after the last day of the month next following that for which the rent was payable or within fifteen days from the date on which the rent remitted by postal money order is returned by the postal authorities as undelivered, as the case may be.

(2) If the rent is deposited within the time specified in sub-section (1), the deposit shall constitute a payment of rent to the landlord if the amount deposited would have been valid legal tender of rent if tendered to the landlord on the date fixed in the agreement of tenancy with the landlord for payment of rent, or in the absence of such agreement by the last day of the month next following that for which the rent is payable.

(3) The receipt of payment of rent deposited under section 7-A from the Controller, in the manner provided therein, shall not operate as an admission against the receiver of the correctness of the rate of rent, the amount due or of any other facts stated in the tenant's application depositing the rent under the said section, nor shall it operate as a waiver of any notice to quit given by him to the tenant.

Eviction of tenant in occupation of a house under an allotment order.

7-C. (1) When any tenant, who is in occupation of a house in pursuance of an allotment order made under the provisions of section 3 has not paid or tendered or deposited under section 7-A, the rent due by him in respect of the house for more than two months, the landlord may apply to the court for the eviction of the tenant.

(2) Every application under sub-section (1) shall contain the following particulars :—

(i) the name of the landlord and, where there are more landlords than one, the names of all the landlords ;

(ii) a sufficient description of the accommodation from which the tenant is to be evicted and a copy of the order of allotment;

(iii) the arrears claimed and the rate at which they are claimed;

(iv) where the fair rent has already been determined in proceedings under section 4, the fact that it has been so determined.

(3) On receipt of an application under sub-section (1) the court shall, without unnecessary delay, serve a notice on the tenant calling upon him to pay the amount of arrears within ten days of the service thereof, or to show cause within the said period why an order of his eviction from the house should not be made.

(4) If within the period specified in the notice under sub-section (3), the tenant deposits in the court the amount mentioned therein, the court shall dismiss the application and direct the amount deposited to be paid to the landlord in satisfaction of the arrears and shall make such order as to costs as may appear to it to be just and proper.

(5) (*a*) If within the period specified in the notice under sub-section (3) the tenant files an objection in the court, other than an objection as to costs of the proceedings merely, the court shall inform the landlord that he may, subject to the payment of court-fee within such time as may be specified by the court, have the application treated as a plaint in a suit for recovery of arrears of rent only :

Provided that no objection by a tenant shall be entertained unless he deposits in court the amount specified in the notice.

(*b*) If the landlord pays the necessary court-fee within the time specified by the court under clause (*a*), the application shall be treated as a plaint and the proceedings as a suit for recovery of the arrears of rent. If court-fee is not deposited as aforesaid, the proceedings shall be quashed without prejudice to the right of the applicant to institute appropriate proceedings for eviction of the tenant or recovery of arrears.

(6) If the tenant fails to act in accordance with the provisions of sub-section (4) or sub-section (5), the court

shall, notwithstanding anything to the contrary contained in section 8 or in the Transfer of Property Act, 1882 (Central Act IV of 1882), make an order directing the tenant to put the landlord in possession of the house.

(7) Any order made under sub-section (6) shall not be deemed in anyway to affect the question of title to the property to which it relates.

(8) If in proceedings under this section, the court finds that the application of the landlord or the objection by the tenant is frivolous or vexatious, it shall award as special costs to the tenant or the landlord, as the case may be, such sum not exceeding the amount of the claim, as the court may think fit.]

Eviction of tenants.

8. (1) [1][Notwithstanding anything contained in any agreement or law to the contrary, a tenant shall not be evicted] whether in execution of a decree or otherwise [2]** except in accordance with the [1][provisions of section 7-C or of this section :]

Provided that where the tenant denies the title of the landlord or claims right of permanent tenancy, the court shall decide whether the denial or claim is *bona fide* and if it records a finding to that effect, the landlord shall be entitled to sue for eviction of the tenant in a civil court of competent jurisdiction and the said civil court may pass a decree for eviction on any of the grounds mentioned in this section, notwithstanding that the said civil court finds that such denial does not involve forfeiture of the lease:

Provided further that nothing contained in this section shall apply to cases where a landlord has no right to evict under the terms of the lease and any law for the time being in force (other than this Act) governs such lease.

(2) A landlord who seeks to evict a tenant in possession shall apply to the court for a direction in that behalf. If the court, after giving the tenant a suitable

1. Substituted by Act 22 of 1954.
2. Certain words omitted by Act 22 of 1954.

opportunity of showing cause against such application, is satisfied—

(i) that the tenant has not tendered or paid [1][or deposited under section 7-A] the rent due by him in respect of the premises within the time fixed in the agreement of tenancy with the landlord [1][or in the absence of any such agreement, by the last day of the month next following that for which the rent is payable, or]

[2][(ii) * * *]

(iii) that the tenant has [3][in the absence of a contract with the landlord to the contrary] after the commencement of this Act without the written consent of the landlord—

(*a*) transferred his right under the lease or sublet the entire premises or any portion thereof ; or

(*b*) used the premises for a purpose other than that for which [1][they were] leased ; or

(iv) that the tenant has committed such acts of waste as are likely to impair materially the value or utility of the house ; or

(v) that the tenant has without the landlord's consent in writing erected on the house or any portion thereof any permanent structure ; or

(vi) that the tenant or any person residing with the tenant has been guilty of such acts and conduct as amounts to nuisance or annoyance to the adjoining or neighbouring occupiers or has been [4][*] using the house or allowing the house to be used for immoral or illegal purposes ; or

(vii) that the tenant has given notice to quit and in consequence of that notice the landlord has contracted to sell or let the house or has taken any other steps, as a result of which he would, in the opinion of the court be seriously prejudiced if he could not obtain possession of the house ; or

(viii) that the house was let to the tenant for use as a residence by reason of his being in the service or

1. Substituted by Act 22 of 1954.
2. Clause (ii) omitted by Act 22 of 1954.
3. Inserted by Act 22 of 1954.
4. The words "convicted of" omitted by Act 22 of 1954.

employment of the landlord, and that the tenant has ceased, whether before or after the commencement of this Act, to be in such service or employment ; or

(ix) that the house is reasonably and *bona fide* required by the landlord for carrying out repairs [1][or reconstruction] which cannot be carried out without the house being vacated ; or

(x) that where the house contains some vacant land such land is reasonably and *bona fide* required by the landlord for the erection of a new residential building ; or

(xi) that the house has not been used without reasonable cause for the purpose for which it was let for a continuous period of three months immediately preceding the date of application ; or

(xii) that the tenant, after the commencement of this Act, has built, acquired vacant possession of or been allotted a suitable house ; or

(xiii) that the tenant has denied the title of the landlord or claimed the right of permanent tenancy and that such denial or claim is not *bona fide* ;

the court shall make an order directing the tenant to put the landlord in possession of the house and if the court is not so satisfied, it shall make an order rejecting the application :

[2][Provided that in any case falling under clause (i), if the tenant satisfies the court that he had sufficient cause for the default to tender, pay or deposit the rent within the prescribed period, the court shall give the tenant a reasonable time, not exceeding three months, to pay the rent due by him to the landlord up to the date of such payment, with a sum not exceeding ten per centum thereon, as may be fixed by the court, and on such payment being made, the court shall make an order rejecting the application :

Provided further that in cases falling under clauses (i), (v), (viii), (ix) and (x), the court may give the tenant a reasonable time for putting the landlord in possession of

1. Inserted by Act 22 of 1954.
2. Added by Act 22 of 1954.

the house and may extend such time so as not to exceed three months in the aggregate :

Provided also that the court shall not give time under the preceding proviso unless the tenant deposits in court the rent for the period to be given to him to put the landlord in possession of the house.]

[1][(3) (*a*) A landlord may, subject to the provisions of clause (*d*) apply to the court for an order directing the tenant to put the landlord in possession of the house—

(i) in case it is a residential building, if the landlord requires it for his own occupation or for the occupation of a member of his family and if he or such member, as the case may be, is not occupying a residential building of his own in the city, town or village concerned ;

(ii) in case it is a non-residential building, if the landlord requires it for a business which he or a member of his family is carrying on and if for the purposes of the said business is not in occupation of a non-residential building which is owned by or to the possession of which the landlord or such member, as the case may be, is entitled whether under this Act or otherwise.

Explanation :—In this clause, with reference to a house held on behalf of a beneficiary by any trustee, executor, administrator, receiver or guardian, the house shall be deemed to be required for the occupation of the landlord, if it is required for the occupation of the beneficiary on whose behalf the house is so held :

Provided that a person who becomes a landlord after the commencement of the tenancy by an instrument *inter vivos* shall not be entitled to apply under this clause before the expiry of six months from the date on which the instrument was registered :

Provided further that where a landlord has obtained possession of a house for his own use or occupation or for the use or occupation of a member of his family under this clause he shall not be entitled to apply again under this clause—

(i) for possession of another residential building of his own for himself or for the same member of his

1. Substituted by Act 22 of 1954.

family, in case he has obtained possession of a residential building ;

(ii) for possession of another non-residential building of his own, for himself or for the same member of his family, in case he has obtained possession of a non-residential building.

(*b*) Where the landlord of a house, whether residential or non-residential, is a religious, charitable, educational or other public institution, it may, if the house is required for the purpose of the institution, apply to the court, subject to the provisions of clause (*d*), for an order directing the tenant to put the institution in possession of the house.

(*c*) A landlord who is occupying only a part of a house whether residential or non-residential, may, notwithstanding anything contained in clause (*a*), apply to the court for an order directing any tenant occupying the whole or any portion of the remaining part of the house to put the landlord in possession thereof, if he requires additional accommodation for residential purposes or for the purposes of a business which he is carrying on, as the case may be.

(*d*) Where the tenancy is for a specified period agreed upon between the landlord and the tenant, the landlord shall not be entitled to apply under this sub-section before the expiry of such period.

(*e*) The court shall, if it is satisfied that the claim of the landlord is *bona fide*, make an order directing the tenant to put the landlord in possession of the house on such date as may be specified by the court and if the court is not so satisfied, it shall make an order rejecting the application :

Provided that, in the case of an application under clause (*c*), the court shall reject the application if it is satisfied that the hardship which may be caused to the tenant by granting it will outweigh the advantage to the landlord :

Provided further that the court may give the tenant a reasonable time for putting the landlord in possession of the house and may extend such time so as not to exceed three months in the aggregate :

Provided also that the court shall not give time under the preceding proviso unless the tenant deposits in court the rent for the period to be given to him to put the landlord in possession of the house.]

[1][(4) Where a house the possession of which is obtained by a landlord in pursuance of an order under sub-section (3) is not occupied by the landlord or by the member of his family concerned, within one month from the date of obtaining possession (or having so occupied it, the house is vacated without reasonable cause within six months of such date), the tenant who has been evicted may apply to the court for an order directing that he shall be restored to possession of the house and the court shall make an order accordingly :

Provided that this sub-section shall not apply to a house to which the provisions of section 3 apply.]

(5) (*a*) The court shall while passing an order of eviction on the ground specified in clause (ix) of sub-section (2) ascertain from the tenant whether he elects to be placed in occupation of the house or part thereof from which he is to be evicted and if the tenant so elects shall record the fact of such election in the order and specify in the order the date on or before which he shall deliver possession so as to enable the landlord to commence the work of repairs [2][or reconstruction.]

(*b*) If the tenant delivers possession on or before the date specified in the order, the landlord shall, on the completion of work of repairs, [2][or reconstruction], place the tenant in occupation of the house or part thereof on the original terms and conditions without prejudice however to the landlord's claim for enhancement of rent, if any, admissible under this Act in view of the repairs [2][or reconstruction] effected to the house :

[3][Provided that—

(i) in the case of any house to which the provisions of section 3 are applicable, the original tenant shall not be placed in occupation without an allotment order of the Controller in favour of the said tenant ;

(ii) in the case of any house to which the provisions of section 3 are not applicable, the original tenant shall not be placed in occupation, if the said tenant has intimated the landlord in writing that he is not willing to occupy the house ;]

---

1. Substituted by Act 22 of 1954.
2. Inserted by Act 22 of 1954.
3. Added by Act 22 of 1954.

(*c*) If, after the tenant had delivered possession on or before the date specified in the order, the landlord fails to commence the work of repairs within one month of the specified date or fails to complete the work within a reasonable time or having completed the work fails to place the tenant in occupation of premises in accordance with clause (*b*), the court may on the application of the tenant made within one year of the specified date order the landlord to place him in possession of the house or part thereof on the original terms and conditions and on such an order being made, the landlord or any person who may be in occupation shall give vacant possession to the tenant of the house or portion thereof.

(6) Where an order of eviction has been passed by the court on the ground specified in clause (x) of sub-section (2) and work of erection has not commenced within a period of one month from the date the landlord recovers possession of the house or the house is relet within one year of the said date to any person other than [1][an allottee under section 3 or the original tenant] [1][the court shall], on the application of the original tenant made within one year of such date, order the landlord to place him in occupation of the house on the original terms and conditions and on such order being made, the landlord and any person who may be in occupation of the house, shall give vacant possession to the original tenant.

(7) Where the court is satisfied that any application made by a landlord for the eviction of a tenant is frivolous or vexatious, the court may direct that compensation not exceeding one hundred rupees be paid by such landlord to the tenant.

[2][(8) * * *]

(9) Where an application under sub-section (2) or sub-section (3) for evicting a tenant has been rejected by the court, the tenancy shall, subject to the provisions of this Act, be deemed to continue on the same terms and conditions as before and shall not be terminable by the landlord except on one or more of the grounds specified in sub-section (2) or sub-section (3) which have arisen after the filing of the last application.

---

1. Substituted by Act 22 of 1954.
2. Omitted by Act 22 of 1954.

[(10) Notwithstanding anything contained in this section no person who is receiving or entitled to receive the rent of a house merely as an agent of the landlord shall, except with the previous written consent of the landlord, be entitled to apply for the eviction of a tenant.]

Deposit and payment of rent during the pendency of proceedings for eviction.

[1][8-A. (1) No tenant against whom an application for eviction has been made by a landlord under section 8, shall be entitled to contest the application before the court under that section, or to prefer or prosecute an appeal or revision petition under section 15 or section 17 against any order made by the court on an application under section 7-C or section 8 or an order passed by the District Judge on appeal, as the case may be, unless he has paid or pays to the landlord or deposits with the court or the District Judge, or the High Court, as the case may be, all arrears of rent due in respect of the house up to the date of payment or deposits and continues to pay or to deposit any rent which may subsequently become due in respect of the house at the rate at which it was last paid or agreed to be paid, until the termination of the proceedings before the court or the District Judge, or the High Court, as the case may be.

(2) The deposit of rent under sub-section (1) shall be made within the time and in the manner prescribed and shall be accompanied by such fee as may be prescribed for the service of the notice referred to in sub-section (5).

(3) Where there is any dispute as to the amount of rent to be paid or deposited under sub-section (1), the court shall, on application made to it either by the tenant or the landlord and after making such enquiry as it deems necessary, determine summarily the rent to be so paid or deposited.

(4) If any tenant fails to pay or deposit the rent as aforesaid, the Court, the District Judge or the High Court, as the case may be, shall, unless the tenant shows sufficient cause to the contrary, stop all further proceedings and make an order directing the tenant to put the landlord in possession of the house or dismiss the appeal or revision petition, as the case may be.

1. Inserted by Act 22 of 1954.

(5) When any deposit is made under sub-section (1), the court, the District Judge or the High Court, as the case may be, shall cause notice of the deposit to be served on the landlord in the prescribed manner, and the amount deposited may, subject to such conditions as may be prescribed, be withdrawn by the landlord on application made by him to the Court in this behalf.]

Landlord not to interfere with amenities enjoyed by the tenant.

9. (1) No landlord shall, without just or sufficient cause, cut off or withhold any of the amenities enjoyed by the tenant.

(2) A tenant in occupation of a house may, if the landlord has contravened the provisions of this section make an application to the court complaining of such contravention.

(3) If the court, on inquiry, finds that the tenant has been in enjoyment of the amenities and that they were cut off or withheld by the landlord without just or sufficient cause, it shall make an order directing the landlord to restore such amenities.

(4) The court may in its discretion direct that compensation not exceeding fifty rupees—

(*a*) be paid to the landlord by the tenant, if the application under sub-section (2) was made frivolously or vexatiously ;

(*b*) be paid to the tenant by the landlord, if the landlord had cut off or withheld the amenities frivolously or vexatiously.

(5) If the tenant satisfies the court that the amenities were cut off or withheld with a view to compelling him to vacate the house or to pay an enhanced rent, the court may pass an interim order directing the landlord to restore the amenities pending inquiry referred to in sub-section (3), within such time as may be specified in the order and on his failure to do so, the tenant may effect such restoration and deduct the cost thereof from the rent or otherwise recover it from the landlord.

Execution of orders.

10. Every order made under section 8 or section 9 and every order passed on appeal under section 15 or in revision under section 17 shall be executed by the court

of the Munsiff having jurisdiction in such area as if it were a decree passed by it.

Decisions which have become final not to be reopened.

11. The court shall summarily reject any application under sub-section (2) or under sub-section (3) of section 8 which raises between the same parties or between parties under whom they or any of them claim, substantially the same issues as have been finally decided in a former proceeding under the Mysore House Rent Control Order, 1945, or under the Mysore House Rent and Accommodation Control Order, 1948, or under this Act.

Conversion of residential houses.

12. Save as otherwise provided in this Act, no residential house, shall be converted into a non-residential house except with the permission in writing of the Controller.

Landlord's duty to keep house in good repair.

13. (1) The landlord shall be bound to keep in good and tenantable repair any house to which this Act applies.

(2) If the landlord neglects to make, within a reasonable time after notice, any repairs which he is bound to make under sub-section (1), the tenant may make the same himself, and deduct the expenses of such repairs from the rent, or otherwise recover it from the landlord:

Provided that the amount so deducted or recoverable in any year, shall not exceed one-twelfth of the rent payable by the tenant for that year.

Orders to be pronounced in open court.

14. Every order passed by a court or the Controller under this Act, shall be pronounced in open court on the day on which the case is finally heard, or on some future day of which due notice shall be given to the parties.

Appeal to the District Judge.

15. (1) (*a*) Except in respect of orders under section 23, any person aggrieved by an order [1][under sub-section (3) of section 3, sub-section (2) of section 3-A, sub-section (2) of section 3-B, sub-section (1) of section 4, sub-section (4) of section 5, sub-section (6) of section 7-C, sub-sections (2), (3) (*e*), (4), (5) (*c*) and (6) of section 8 or sub-section (3) of section 9], passed by the court or the Controller may,

1. Inserted by Act 22 of 1954.

within fifteen days from the date of the order, prefer an appeal in writing to the District Judge having jurisdiction over the area in which the house is situate.

In computing the fifteen days aforesaid, the time taken to obtain a certified copy of the order appealed against shall be excluded.

[1][Provided that no person other than the landlord of the house shall be entitled to appeal against an allotment order under section 3.]

(*b*) The provisions of section 5 of the [2][Indian Limitation Act, 1908] shall be applicable to appeals under this section.

(2) On such appeal being preferred, the District Judge may order stay of further proceedings in the matter pending decision on the appeal.

(3) The District Judge shall send for the records of the case from the court or the Controller, as the case may be, and after giving the parties an opportunity of being heard and, if necessary, after making such further inquiry as he thinks fit, either personally or through the court or the Controller, as the case may be, shall decide the appeal.

Explanation.—The District Judge may, while confirming the order of eviction passed by the court, grant extension of time to the tenant for putting the landlord in possession of the building.

(4) Subject to any decision of the High Court under section 17, the decision of the District Judge shall be final; and an order of the court or the Controller shall, subject to the decision of the District Judge under this section or of the High Court under section 17, be final and shall not be liable to be called in question in any court of law whether in a suit or other proceedings or by way of appeal or revision.

Costs.

16. Subject to such conditions and limitations, if any, as may be prescribed, the costs of and incident to all proceedings before the court, the Controller or the District Judge shall be in the discretion of the court,

1. Added by Act 22 of 1954.
2. Substituted by Act 22 of 1954

Controller or the District Judge who shall have full power to determine by whom or out of what property and to what extent such costs are to be paid, and to give all necessary directions for the purpose.

Explanation.—The District Judge may set aside or vary any order passed by the court or the Controller in regard to the costs of and incident to the proceedings before him.

Revision by the High Court.

17. (1) Except in respect of orders under section 23, the High Court may, at any time, call for and examine the records relating to any decision given or proceeding taken by the District Judge or any order passed or proceeding taken by the court or the Controller under this Act, for the purpose of satisfying itself as to the legality or correctness of such decision, order or proceeding and may pass such order in reference thereto as it thinks fit.

[1][Provided that the powers conferred by this sub-section shall not be exercisable in any case in which an appeal lies under section 15, unless the Controller or the court or the District Judge appears—

(i) to have exercised a jurisdiction not vested in him or it ; or

(ii) to have failed to exercise his or its jurisdiction so vested ; or

(iii) to have acted in the exercise of his or its jurisdiction illegally or with material irregularity.]

(2) The costs of and incident to all proceedings before the High Court shall be in its discretion.

Orders under the Act to be binding on sub-tenants.

18. Any order for the eviction of a tenant passed under this Act, shall be binding on all sub-tenants under such tenant, whether they were parties to the proceedings or not, provided that such order was not obtained by fraud or collusion.

Proceedings by or against legal representatives.

19. (1) Any application made, appeal preferred, or proceeding taken, under this Act by or against any person, may, in the event of his death, be continued by or against his legal representatives.

1. Added by Act 22 of 1954.

(2) Where any application, appeal or other proceeding could have been made, preferred or taken under this Act by or against any person, such application, appeal or other proceeding may, in the event of his death, be made, preferred or taken by or against his legal representatives.

Exemptions.

20. Notwithstanding anything contained in this Act, the State Government may, by notification in the *Mysore Gazette*, exempt any house or class of houses from all or any of the provisions of this Act.

Local authorities to furnish certified extracts from property tax assessment books.

21. Every local authority shall, on application made in this behalf and on payment of such fee, as may, from time to time, be fixed by the State Government by notification in the *Mysore Gazette*, grant to the applicant a certified copy of the extract from the property tax assessment book of the local authority showing the rental value of the house or houses in respect of which application has been made, relating to the period specified in the application. Such certified copy shall be received as evidence of the facts stated therein, in proceedings under this Act.

Landlord and tenant to furnish particulars.

22. Every landlord and every tenant of a house shall be bound to furnish to the Controller or any person authorised by him in that behalf, such particulars in respect of the house as may be prescribed.

Power to evict from Government buildings.

23. (1) If the Controller is satisfied—

(*a*) that the person authorised to occupy any Government building has sublet, without the permission of the State Government or any officer empowered in this behalf by the State Government or the Controller, the whole or any part of such building, or has otherwise acted in contravention of the terms, express or implied under which he is authorised to occupy such building, or

(*b*) that any person is in unauthorised occupation of any Government building,

the Controller may, by notice served by post or otherwise, order that that person as well as any other person who may be in occupation of the whole or any part of the building, shall vacate it within ten days of the service of the notice.

Explanation.—In this sub-section, "Government building" means any house belonging to, or taken on lease or requisitioned by the State Government.

(2) If any person refuses or fails to comply with an order made under sub-section (1), without prejudice to any other action against such person, the Controller may evict that person from, and take possession of, the house and may for that purpose use such force as may be necessary.

(3) Any person aggrieved by an order under sub-section (1), may, within seven days of the receipt thereof, appeal in writing to the State Government, who may, after calling for a report from the Controller and after making such further enquiry, if any, as they think fit, pass an order determining the appeal.

(4) Action may be taken under this section whether or not any proceedings for possession are pending in respect of the house and upon such action being taken, the said proceedings shall forthwith be vacated.

Penalties.

24. (1) If any person contravenes [1][sub-sections (1), (2), (4), (5) and (6) of section 3, any order under sub-section (3) of section 3, sub-section (3) of section 3-A, sub-section (1) of section 3-B, sub-section (2) of section 5, sub-sections (1) (*a*) and (2) (*a*) of section 6], sub-section (1) of section 7, sub-section (1) of section 8, sub-section (1) of section 9, section 12, section 22 or any order under sub-section (1) of section 23, he shall be punishable with fine which may extend to two thousand rupees.

(2) Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, [1][1898], it shall be lawful for any magistrate of the first class, specially empowered by the State Government in this behalf, to pass a sentence of fine exceeding one thousand rupees when awarding punishment under sub-section (1), or for the contravention of any rule made punishable under sub-section (3) of section 25.

Protection for action taken in good faith.

[2][**24-A.** (1) No suit, prosecution or other legal proceeding shall lie against any officer or servant of the

1. Substituted by Act 22 of 1954.
2. Inserted by Act 22 of 1954.

State Government or any person acting under his direction or assisting him for anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

(2) No suit or other legal proceeding shall lie against the State Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or of orders made thereunder.]

Power to make rules.

25. (1) The State Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the procedure to be followed by the Controllers, the courts and the District Judges in the performance of their functions under this Act;

[1][(*aa*) the order of priority to be observed by the Controller in selecting a tenant under clause (*a*) of sub-section (3) of section 3;]

(*b*) the manner in which intimation, notices and orders under this Act shall be given or served;

(*c*) setting aside *ex parte* orders passed under this Act [2][and the time within which applications for setting aside such orders;]

(*d*) applications for making legal representatives of deceased persons parties to proceedings under this Act and the time within which such applications shall be preferred;

(*e*) imposition of the levy of fees in respect of applications, petitions, memo of appeal and other processes under this Act.

(3) In making a rule under this section, the State Government may provide that a person who contravenes any of the provisions thereof shall be punishable with fine which may extend to two thousand rupees.

(4) All rules made under this section shall be published in the *Mysore Gazette*, and upon such publication shall have effect as if enacted in this Act.

1. Inserted by Act 22 of 1954.
2. Added by Act 22 of 1954.

Code of Civil Procedure to be followed in proceedings under the Act.

26. In matters not specifically provided for by this Act or by rules made thereunder, the provisions of the Code of Civil Procedure, [1][1908], shall be followed as far as possible in proceedings under this Act.

Continuance in force of existing proceedings, orders, etc.;

27. (1) All proceedings commenced and all actions taken under the Mysore House Rent and Accommodation Control Order, 1948, and pending at the commencement of this Act, shall, so far as may be, be deemed to have been commenced or taken under the corresponding provisions of this Act and be continued subject to the provisions thereof.

(2) All orders passed and all decisions given under the Mysore House Rent Control Order, 1945, or the Mysore House Rent and Accommodation Control Order, 1948, and in which fair rent has been fixed shall continue in force until they are superseded or modified under this Act by the authority competent to do so.

Amendment of Schedules.

28. The Government may, by notification in the *Mysore Gazette*, add to or omit or otherwise amend the schedules to this Act.

Repeal.

29. The Mysore House Rent and Accommodation Control Order, 1948, is hereby repealed.

---

1. Substituted by Act 22 of 1954.

FIRST SCHEDULE.

[*See* Section 2 (4)].

1. Cities of Bangalore, Mysore and Davangere.
2. Ramachandrapuram Extension near the City of Bangalore.
3. The Kolar Gold Fields Sanitary Board Area.
4. The Towns of Kolar, Tumkur, Chitaldrug, Shimoga, Chikmagalur, Hassan, Mandya, Bangarpet, Chintamani, Chikballapur, Tiptur, Harihar, Sagar, Arsikere, Saklespur, Nanjangud and Bhadravati (old).

SECOND SCHEDULE.

[*See* Section 3 (1)].

1. Cities of Bangalore, Mysore and Davangere.
2. Ramachandrapuram Extension near the City of Bangalore.
3. The Towns of Kolar, Tumkur, Chitaldrug, Shimoga, Chikmagalur, Hassan and Mandya.

MYSORE ACT No. XXXII OF 1951.

THE MYSORE TRANSFER OF PROPERTY (EXTENSION TO AGRICULTURAL LAND) ACT, 1951.

(Received the assent of H. H. the Maharaja on the eighteenth day of November 1951.)

An Act for extending the operation of the Transfer of Property Act, 1882, to agricultural land in the [1][State of Mysore except Bellary District].

Preamble.

WHEREAS it is expedient to extend the operation of the Transfer of Property Act, 1882 (Central Act IV of 1882), to agricultural land in the [1][State of Mysore except Bellary District];

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Transfer of Property (Extension to Agricultural Land) Act, 1951.

(2) It extends to the [1][whole of the State of Mysore except Bellary District.]

(3) It shall come into force at once.

The terms "property" and "immoveable property" in Central Act IV of 1882 to include agricultural land.

2. The terms "property" and "immoveable property" in the Transfer of Property Act, 1882, shall include agricultural land.

Repeal of Mysore Ordinance III of 1951.

3. The Mysore Transfer of Property (Extension to Agricultural Land) Ordinance, 1951, is hereby repealed :

Provided that the repeal shall not affect the operation of section 3 of the said Ordinance and anything done and any action taken under the Transfer of Property Act, 1918 (Mysore Act V of 1918), in so far as it relates to agricultural land, shall be deemed to have been done or taken under the corresponding provision of the Transfer of Property Act, 1882, as extended to agricultural land by section 2 of this Act, as if this Act had come into force on the first day of October 1951.

---

1. See the Mysore Adaptation of Laws Order, 1953.

MYSORE ACT No. XXXIII OF 1951.

THE MYSORE LEGISLATURE (PROHIBITION OF SIMULTANEOUS MEMBERSHIP) ACT, 1951.

(Received the assent of H. H. the Maharaja on the First Day of December 1951).

An Act to provide for the vacation by a person who is chosen a member of both Houses of the Legislature of the State of Mysore of his seat in one House or the other.

Preamble.

WHEREAS it is necessary to provide for the vacation by a person who is chosen a member of both Houses of the Legislature of the State of Mysore of his seat in one House or the other;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Mysore Legislature (Prohibition of Simultaneous Membership) Act, 1951.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(1) " Assembly " means the Legislative Assembly of the State of Mysore;

(2) " Council " means the Legislative Council of the State of Mysore;

(3) " House " means the Assembly or the Council.

Vacation of seat by persons when elected as members of both the Assembly and the Council.

3. (1) Any person who is chosen a member of both the Assembly and the Council and who has not taken his seat in either House may, by notice in writing signed by him and delivered to the Secretary of each of the Houses or to any person authorised by the Rajpramukh in this behalf, within ten days from the date of publication in the *Mysore Gazette* of the declarations that he has been so chosen or, if such publications have been made on different dates, within ten days from the latter of such dates, intimate in which of the Houses he wishes to serve, and thereupon, his seat in the House in which he does not wish to serve shall become vacant.

(2) In default of such intimation within the aforesaid period, his seat in the Council shall, at the expiration of that period, become vacant.

(3) Any intimation given under sub-section (1) shall be final and irrevocable.

Vacation of seats by persons already members of one House on election to the other House.

4. (1) If a person who is already a member of the Assembly and has taken his seat in the Assembly is chosen a member of the Council, his seat in the Assembly shall, on the publication in the *Mysore Gazette* of the declaration that he has been so chosen, become vacant.

(2) If a person who is already a member of the Council and has taken his seat in the Council is chosen a member of the Assembly, his seat in the Council shall, on the publication in the *Mysore Gazette* of the declaration that he has been so chosen, become vacant.

———

MYSORE ACT No. XXXV OF 1951.

THE MYSORE HIGH COURT (AMENDMENT) ACT, 1951.

(Received the assent of His Highness the Maharaja on the Sixteenth day of December 1951.)

An Act further to amend the Mysore High Court Act, 1884.

Preamble.

WHEREAS it is expedient further to amend the Mysore High Court Act, 1884 (Mysore Act I of 1884), for the purposes hereinafter appearing;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Mysore High Court (Amendment) Act, 1951.

(2) It shall come into force at once.

[**2—10.** Amendments made by sections 2 to 10 of the Act have been incorporated in Mysore Act I of 1884.]

Application of section 15 of Mysore Act I of 1884 as amended by section 6 to pending cases.

11. Notwithstanding anything contained in any law or decision having the force of law to the contrary, the provisions of section 15 of the Mysore High Court Act, 1884, as amended by section 6 of this Act, shall apply—

(i) to all second appeals pending in the High Court, and

(ii) to all second appeals arising out of any suit, appeal or other proceeding pending in any Civil Court subordinate to the High Court,

on the date of commencement of this Act.

MYSORE ACT No. XXXVII OF 1951.

THE MYSORE APPROPRIATION (No. 4) ACT, 1951.

(Received the assent of His Highness the Maharaja on the 22nd day of December 1951.)

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two; Preamble.

It is hereby enacted as follows :—

1. This Act may be called the Mysore Appropriation (No. 4) Act, 1951. Short title.

2. From and out of the Consolidated Fund of the State, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of one hundred and thirty-three lakhs, fifty four thousand and four hundred and twenty-five rupees towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two, in respect of the services specified in column 2 of the Schedule. Issue of Rs. 1,33,54,425 out of the Consolidated Fund of the State for the year 1950-51.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two. Appropriation.

SCHEDULE.

No. of vote	Services and Purposes	Sums not exceeding	
		Voted by the Legislative Assembly	Charged on the consolidated fund
1	2	3	4
	A. Expenditure met from Revenue.	Rs.	Rs.
7	13 Other Taxes and Duties ...	2,130	...
8	18 Other Revenue Expenditure financed from ordinary Revenue.	17,50,000	...
9	19 Construction of I.N.E. and D. Works	50,000	...
10	22 Interest on Debt and other obligations.	5,000	...
11	25 General Administration ...	46,070	2,00,000
13	25 Do do	46,000	...
14	27 Administration of Justice ...	22,500	...
16	29 Police	1,10,000	...
28	47 Miscellaneous Departments ...	1,40,290	...
29	50 Civil Works	14,22,600	...
29-A	54 Famine Relief	100	...
31	55 Superannuation Allowances and Pensions.	37,500	...
32	56 Stationery and Printing ...	83,635	...
33	57 Miscellaneous	1,72,000	...
37	XXXII. Industries and Supplies(a) Industries—Working Expenses.	88,000	...
38	XLI. Receipts from Electricity Schemes —Working Expenses.	10,00,000	...
	B. Capital outlay not met from Revenue.		
40	68 Construction of I.N.E. and D. Works outside the Revenue Accounts.	9,00,000	...
42	72 Capital Outlay on Industrial Development.	3,600	...
45	85-A Capital Outlay on Provincial Schemes of State Trading	20,00,000	...
	Public Debt.		
45-A	N. Public Debt—Discharged ...	...	51,00,000
	C. Disbursement of Advances and Loans.		
46	Advances and Loans	1,75,000	...
	Total ...	80,54,425	53,00,000

MYSORE ACT No. XXXVIII OF 1951.

THE MYSORE CIVIL COURTS (AMENDMENT) ACT, 1951.

(Received the assent of His Highness the Maharaja on the 22nd day of December 1951.)

An Act further to amend the Mysore Civil Courts Act, 1883.

Preamble.

WHEREAS it is expedient further to amend the Mysore Civil Courts Act, 1883, (Mysore Act I of 1883), for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Mysore Civil Courts (Amendment) Act, 1951.

(2) It shall come into force at once.

[**2—3.** Amendments made by sections 2 and 3 of the Act, have been incorporated in Mysore Act I of 1883.]

Application of Act to pending suits and appeals.

4. The provisions of section 13 of the Mysore Civil Courts Act, 1883, as amended by section 2 of this Act shall apply to all suits and appeals pending in any civil court subordinate to the High Court on the date of commencement of this Act.

MYSORE ACT No. XXXIX OF 1951.

THE MYSORE SUITS VALUATION ACT, 1951.

(Received the assent of H. H. the Maharaja on the Twenty-second Day of December 1951.)

An Act to prescribe the mode of valuing certain suits for the purpose of determining the jurisdiction of courts with respect thereto.

Preamble.

WHEREAS it is expedient to prescribe the mode of valuing suits for the purpose of determining the jurisdiction of courts with respect thereto;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Mysore Suits Valuation Act, 1951.

(2) It shall come into force at once.

PART I.

SUITS RELATING TO LAND.

Extent and commencement of Part I.

2. This part shall extend to such local areas, and come into force therein on such dates as the State Government may, by notification in the *Mysore Gazette*, appoint.

Power for State Government to make rules determining value of land for jurisdictional purposes.

3. (1) The State Government may make rules for determining the value of the land for purposes of jurisdiction in the suits mentioned in the Mysore Court Fees Act, 1900, section 4, paragraphs (v) and (vi) and paragraph (x), clause (*d*).

(2) The rules may determine the value of any class of land or of any interest in land in the whole or any part of a local area and may prescribe different values for different places within the same local area.

(*Part II—Other Suits*)

Valuation of relief in certain suits relating to land not to exceed the value of the land.

4. Where a suit mentioned in the Mysore Court Fees Act, 1900, section 4, paragraph (iv), or Schedule II, article 11, relates to land or an interest in land of which the value has been determined by rules under the last foregoing section, the amount at which for purposes of jurisdiction the relief sought in the suit is valued shall not exceed the value of the land or interest as determined by those rules.

Making and enforcement of rules.

5. (1) The State Government shall, before making rules under section 3, consult the High Court with respect thereto.

(2) A rule under the section shall not take effect till the expiration of one month after the rule has been published in the *Mysore Gazette*.

Repeal of section 11 of the Mysore Act I of 1883.

6. On and from the date on which rules under section 3 take effect in any local area, section 11 of the Mysore Civil Courts Act, 1883, shall stand repealed as regards that local area.

PART II.

OTHER SUITS.

Extent and commencement of Part II.

7. This part extends to the [1][whole of the State of Mysore except Bellary District] and shall come into force on the first day of January, 1952.

Court-fee value and jurisdictional value to be the same in certain suits.

8. Where in suits other than those referred to in the Mysore Court Fees Act, 1900, section 4, paragraphs (v), (vi) and (ix), and paragraph (x), clause (*d*), court-fees are payable *ad valorem* under the Mysore Court Fees Act, 1900, the value as determinable for the computation of court-fees and the value for purposes of jurisdiction shall be the same.

Determination of value of certain suits by High Court.

9. When the subject matter of suits of any class, other than suits mentioned in the Mysore Court Fees Act, 1900, section 4, paragraphs (v) and (vi), and paragraph (x), clause (*d*) is such that in the opinion of the High Court it does not admit of being satisfactorily valued, the High Court may, with the previous sanction of the State

1 See the Mysore Adaptation of Laws Order, 1953.

Government, direct that suits of that class shall, for the purposes of the Mysore Court Fees Act, 1900, and of this Act and any other enactment for the time being in force, be treated as if their subject matter were of such value as the High Court thinks fit to specify in this behalf.

PART III.

SUPPLEMENTAL PROVISIONS.

Procedure where objection is taken on appeal or revision that a suit or appeal was not properly valued for jurisdictional purposes.

10. (1) Notwithstanding anything in section 99 of the Code of Civil Procedure, 1908, an objection that by reason of the over-valuation or under-valuation of a suit or appeal a court of first instance or lower appellate court which had not jurisdiction with respect to the suit or appeal exercised jurisdiction with respect thereto shall not be entertained by an appellate court unless—

(*a*) the objection was taken in the court of first instance at or before the hearing at which issues were first framed and recorded, or in the lower appellate court in the memorandum of appeal to that court, or

(*b*) the appellate court is satisfied for reasons to be recorded by it in writing, that the suit or appeal was over-valued or under-valued and that the over-valuation or under-valuation thereof has prejudicially affected the disposal of the suit or appeal on its merits.

(2) If the objection was taken in the manner mentioned in clause (*a*) of sub-section (1), but the appellate court is not satisfied as to both the matters mentioned in clause (*b*) of that sub-section, and has before it the materials necessary for the determination of the other grounds of appeal to itself, it shall dispose of the appeal as if there had been no defect of jurisdiction in the court of first instance or lower appellate court.

(3) If the objection was taken in that manner and the appellate court is satisfied as to both those matters and has not those materials before it, it shall proceed to deal with the appeal under the rules applicable to the court with respect to the hearing of appeals; but if it remands the suit or appeal, or frames and refers issues for trial, or

requires additional evidence to be taken, it shall direct its order to a court competent to entertain the suit or appeal.

(4) The provisions of this section with respect to an appellate court shall, so far as they can be made applicable, apply to a court exercising revisional jurisdiction under section 115 of the Code of Civil Procedure, 1908, or any other enactment for the time being in force.

(5) This section extends to the [1][whole of the State of Mysore except Bellary District] and shall come into force on the first day of January, 1952.

Proceedings pending at commencement of Part I or Part II.

11. Nothing in Part I or Part II shall be construed to affect the jurisdiction of any court,—

(*a*) with respect to any suit instituted before rules under Part I applicable to the valuation of the suit take effect, or Part II has come into force, as the case may be, or

(*b*) with respect to any appeal arising out of any such suit.

---

1. See the Mysore Adaptation of Laws Order, 1953.

THE MYSORE VILLAGE PANCHAYETS AND DISTRICT BOARDS ACT, 1952.

ARRANGEMENT OF SECTIONS.

PART I—GENENRAL.

CHAPTER I.

PRELIMINARY.

1. Short title, extent and commencement.
2. Definitions. ...

PART II—VILLAGE PANCHAYET.

CHAPTER II.

CONSTITUTION OF PANCHAYET.

3. Establishment of Panchayets.
4. Incorporation of Panchayets.
5. Strength of Panchayets and election of members.
6. Reservation of seats.
7. Conditions under which a village under one Panchayet may be included under another Panchayet.
8. Qualifications of voters.
9. Disqualification of voters.
10. Qualifications of candidates.
11. Removal of members of Panchayet.
12. Removal of Chairman.
13. Vacation of seats.
14. Term of office of members of a Panchayet.
15. Election of Chairman.
16. Vacancy in the office of the Chairman or Member.
17. Jurisdiction of Panchayet.

CHAPTER III.

CONDUCT OF BUSINESS.

18. Appointment of Secretary.
19. Procedure for meetings of Panchayets.
20. Officers and servants of Panchayets.
21. Powers of Chairman of Panchayet.
22. Powers of Secretary of Panchayet.

CHAPTER IV.

FUNCTIONS OF PANCHAYET.

23. Obilgatory functions of Panchayet.
24. Discretionary functions of Panchayet.
25. Institutions or works may be transferred to Panchayet.
26. Power of Government to add to functions of Panchayets.
27. General Powers of Panchayet.
28. Power of Panchayets as to roads, bridges and water-ways.
29. Control of the erection of buildings.
30. Power of Government to prohibit the erection of buildings in certain areas without permission.
31. Prohibition of offensive or dangerous trades without licence.
32. Control of dairies, hotels, etc.
33. Power as to sanitation, conservancy and drainage.
34. Power for providing adequate water supply.
35. Power of Government to make rules regarding provision of water supply.
36. Power of entry.

CHAPTER V.

PANCHAYET FUND AND RECOVERY OF DUES.

37. Panchayet Fund.
38. Government to assign part of land revenue to Panchayets.
39. Taxes on houses, shops, etc.
40. Village improvement tax.
41. Profession tax.
42. Tax on fairs, etc.
43. Increase of income.
44. Objection in respect of liability to assessment.

45. Collection of taxes, fees, etc.
46. Power of Panchayet to raise loans.
47. Annual budget of Panchayets.
48. Annual accounts and audit.

PART III—DISTRICT BOARD.

CHAPTER VI.

CONSTITUTION OF DISTRICT BOARD.

49. Establishment and incorporation of District Boards.
50. Composition of District Boards.
51. Composition of electorate.
52. Reservation of seats for Scheduled Castes.
53. List of voters.
54. Disqualification of members
55. Qualification of members.
56. Procedure for elections.
57. Determination of the validity of elections; enquiry by Judge, procedure.
58. Publication of names of members in the *Mysore Gazette*.
59. Term of office of members.
60. Resignation of member.
61. Removal of members for misconduct, etc.
62. Election of President and Vice-President.
63. Resignation or removal of President and Vice-President and grant of leave to President and Vice-President.
64. Jurisdiction of District Board.

CHAPTER VII.

CONDUCT OF BUSINESS

65. Powers of President.
66. Emergency powers of President.
67. Powers of Vice-President.
68. Meetings of District Boards.
69. Interpellations and resolutions.
70. Chief Executive Officer and other officers of the District Board.
71. Functions of the Chief Executive Officer.
72. Mode of making contracts.

73. Contracts entered into by the Chief Executive Officer to be reported.
74. District Fund ordinarily liable for all costs and expenses incurred by the Boards.
75. Powers to compromise suits and claims.
76. Works to be executed by the Public Works Department.
77. District Board to appoint committees.
78. Functions of Committees.
79. Other Committees.
80. Procedure of Committees.
81. Joint Committee.
82. Acts of Boards, etc., not to be invalidated.

CHAPTER VIII.

FUNCTIONS OF DISTRICT BOARD.

83. Power of District Board to acquire and hold property and to contract.
84. Roads and other property of the old District Boards to vest in the District Boards constituted under this Act.
85. Works constructed by District Board to be vested in it.
86. Obligatory duties of District Boards.
87. Discretionary duties of District Boards.
88. District Board may, with the consent of owners, take over and repair works.
89. Government may place roads and other property under District Board.
90 Power of Government to resume property.
91. District Boards may undertake construction, repair and maintenance of Government buildings.
92. Other duties of District Boards.
93. Powers to turn, divert, discontinue or close road.
94. Power to permit temporary occupation or use of roads and lands vested in the Board.
95. Control of unwieldy traffic.
96. Public ferries.
97. Establishment of Market, etc.
98. Regulation of certain trades.
99. Grant of licenses.
100. Prosecution for offences.
101. Jurisdiction of magistrates.
102. Power to compromise and compound offences.
103. Damage to any District Board property how made good.

CHAPTER IX.

FINANCE.

104. District Fund, its custody and investment.
105. Composition of District Fund.
105A. Levy of local cess.
106. Government to assign District Boards certain revenues.
107. Assignment of portions of other revenues to District Fund.
108. District Board property and District Fund how to be applied.
109. Application of District Fund and property.
110. Rents and fees.
111. Agency for collection.
112. Power to expel persons who refuse to pay fees.
113. District Board may raise loans and may form a sinking fund.
114. Grant of loans to encourage local arts and industries.
115. Contribution to expenditure incurred by the Government and power to make grants-in-aid.
116. Arrangement purporting to be binding permanently or for a term of years.
117. Prohibition of expenditure not budgetted for.
118. Presentation of accounts.
119. Revision of budget.
120. Maintenance of accounts and restriction on expenditure.
121. Audit of Accounts.
122. Powers of Government Auditor.
123. Duties of Government Auditor.
124. Disallowance by Government Auditor and order by Commissioner.
125. Appeal against the order.
126. Recovery of the amounts disallowed.
127. Transmission of accounts to Government.
128. Annual Administration Report.

CHAPTER X.

RECOVERY OF DUES.

129. Notice of demand for fee, cess or other dues, Distress.
130. Warrant of distraint.
131. Inventory and sale.
132. Receipts to be given for all payments of fees, etc.
133. Conditions of distraint and sale.

134. Recovery of arrears at the commencement of the Act.
135. Civil suit not barred.
136. Recovery of amount due by suit not precluded.

PART IV—GENERAL.

CHAPTER XI.

CONTROL.

137. Commissioner for Local Self-Government.
138. Annual report of working of Panchayets.
139. Powers of Deputy Commissioner over Panchayets.
140. Deputy Commissioner to have access to books, etc., of Panchayets.
141. Deputy Commissioner may inspect, call for reports, etc., from Panchayets.
142. Powers of Deputy Commissioner to provide for performance of obligatory functions of Panchayets.
143. Power of Deputy Commissioner to suspend execution of or prohibit certain acts by Panchayet.
144. Powers of Deputy Commissioner over Panchayets in cases of emergency.
145. Supersession of Panchayets.
146. Appeals.
147. Disputes between Panchayets.
148. Disputes between a municipal council and a Panchayet.
149. Panchayets within town or sanitary board areas.
150. Power of Government to call for records in the case of appeals decided by Commissioner.
151. Government's power to amend proceedings of District Boards.
152. Inspection of offices of District Boards.
153. Commissioner's power of supervision.
154. Powers to suspend execution of orders, etc.
155. Extraordinary powers of Deputy Commissioner in cases of emergency.
156. Power to provide for performance of duties in default of District Board.
157. Supersession of District Boards.
Consequences of supersession of District Boards.
158. Disputes between District Boards.
159. Powers of Government, Commissioner and Deputy Commissioner over subordinates.

160. Power under special circumstances to exempt District Boards from the operation of the Act.

Power to make rules in relation to notification under sub-section (1).

161. Penalty for member, officer or servant of a District Board having an interest in any contract, etc., with that Board.

162. Restrictions with respect to actions against District Board.

163. Institution of legal proceedings against Panchayet member, officer, servants or agent and bar of certain suits.

164. Deputy Commissioner's right to requisition records, etc.

165. Acquisition of land.

166. Obstructions and encroachments upon public streets and open spaces.

CHAPTER XII.

MISCELLANEOUS.

167. Application of term "public servant" to members of Panchayets and District Boards and their officers and servants.

168. Punishment for offences under this Act and powers to compound.

169. Panchayet may prosecute.

170. Form of notices.

171. Method of serving document.

172. Powers to make rules.

173. Power of Panchayet to make bye-laws.

174. Power of District Board to make regulations.

175. Temporary and transitional provisions.

176. Saving of rules and bye-laws.

177. Repeal of Mysore Acts II and III of 1926.

SCHEDULES I TO V.

(Chapter I—Preliminary)

MYSORE ACT No. IV OF 1952.

THE MYSORE VILLAGE PANCHAYETS AND DISTRICT BOARDS ACT, 1952.

(AS AMENDED BY ACTS XXVIII OF 1952 AND I OF 1954.)

(Received the assent of His Highness the Maharaja on the Thirteenth day of January 1952).

An Act to amend and consolidate the law relating to local bodies in rural areas in the [1][State of Mysore except Bellary District.]

WHEREAS it is expedient further to amend and consolidate the law relating to local bodies in rural areas in the [1][State of Mysore except Bellary District]; Preamble.

It is hereby enacted as follows:—

PART I—GENERAL.

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Mysore Village Panchayets and District Boards Act, 1952. Short title, extent and commencement.

(2) It extends to the [1][whole of the State of Mysore except Bellary District:]

Provided that the Government may, by notification in the *Mysore Gazette*, exclude from the operation of this Act, any village forming part of a local area under the administration of a town board or a sanitary board.

(3) This section shall come into force at once. The other sections of this Act shall come into force in any district or part of a district on such date as the Government may, by notification in the *Mysore Gazette*, appoint in this behalf.

2. In this Act, unless there is anything repugnant in the subject or context— Definitions.

(1) "building" includes a house, shop, warehouse, workshop, hut or shed;

1. See the Mysore Adaptation of Laws Order, 1953.

(2) "Commissioner" means the Commissioner for Local Self-Government appointed by the Government;

(3) "dangerous disease" means cholera, plague, small-pox and any endemic or epidemic or infectious disease by which the life of man is endangered;

(4) "Deputy Commissioner" includes the officer in charge of the revenue administration of a part of a district declared to be a district under clause (5) for the purposes of this Act;

(5) "district" means any local area which, for the purposes of the collection of land revenue, shall have been placed for the time being, under the charge of a Deputy Commissioner of a district;

(6) "District Board" means any Board constituted under this Act;

(7) "Government" means the State Government;

(8) "land revenue" means all sums and payments received or claimable by or on behalf of Government, from any person on account of land held by, or vested in, him;

(9) "market" means a place where goods or animals are publicly exposed or brought for sale periodically;

(10) "Panchayet" means a panchayet constituted under this Act;

(11) "prescribed" means prescribed by rules made under this Act;

(12) "public ferry" means a ferry used for the conveyance for hire of any passenger, animal, cart, carriage or other vehicle or goods;

(13) "public market" means a market which a District Board opens under section 97 or a market the control over which is or may be vested in a Panchayet by the Government;

(14) "taluk" includes a sub-taluk;

(15) "village" means a local area recognised by the Government as a village for purposes of collecting the land revenue and includes a *dakhle* village and an alienated village, but does not include a local area which is constituted as a municipality or a village which is, under the proviso to sub-section (2) of section 1, excluded from the operation of this Act;

(16) "village forest" means a forest constituted as such under the Mysore Forest Act, 1900.

PART II—VILLAGE PANCHAYET.

CHAPTER II.

CONSTITUTION OF PANCHAYET.

Establishment of Panchayets.

3. (1) The Government shall, subject to the provisions of this section and to such rules as may be made by them in this behalf, establish a Panchayet for every village or group of adjoining villages and shall have power by a notification in the *Mysore Gazette* to vary, as occasion may demand, the grouping of villages:

Provided that the Government shall, before a Panchayet is established for a group of villages, or a re-grouping of villages is effected, publish, in such manner as may be prescribed, a notice of their proposal to do so and consider any objections that may be preferred within one month of such publication.

(2) In establishing a Panchayet for a village or group of adjoining villages, the Government shall, as far as may be, establish one Panchayet for a population of not less than 2,000 nor more than 5,000:

Provided that the Government may, in exceptional cases, establish a Panchayet for a village or a group of villages [1][with a population of less than 2,000 or more than 5,000.]

Incorporation of Panchayets.

4. Every Panchayet shall be a body corporate by such name, being the name of the village or one of the villages in a case where a Panchayet has been established for a group of villages, as the Government may determine and

1. Substituted by Act XXVIII of 1962.

shall have perpetual succession and a common seal, and shall sue or be sued by the said name. Subject to any rules made by the Government in this behalf, it shall also have power to acquire, hold or transfer property, moveable or immoveable, whether within or without the limits of the area over which it has authority, enter into contracts and do all things necessary for all or any of the purposes of this Act.

Strength of Panchayets and election of members.

5. (1) A Panchayet shall consist of such number of members being not less than 10 nor more than 20 as may be determined by the Government, subject to rules framed by the Government in this behalf:

Provided that where a Panchayet is established for a group of villages, there shall ordinarily be at least one member for [1][each inhabited village] in the Panchayet.

(2) The members shall be elected, and bye-elections shall also be held, in such manner as may be prescribed.

Reservation of seats.

6. Seats shall be reserved in a Panchayet for the Scheduled Castes, the number of such seats bearing, as nearly as may be, the same proportion to the total number of seats in the Panchayet, as the population of the Scheduled Castes in the village or group of villages served by a Panchayet bears to the total population of the village or villages :

Provided that at least one seat shall be reserved in a Panchayet for the Scheduled Castes :

Provided further that this section shall cease to have effect after ten years from the commencement of this Act :

Provided further that the second proviso to this section shall not affect any representation in a Panchayet until the expiry of the term of office of its members.

Conditions under which a village under one Panchayet may be included under another Panchayet.

7. (1) If two-thirds of the number of voters in a village included within a group of villages under the jurisdiction of a Village Panchayet, elect to have their village brought under the jurisdiction of any other Village Panchayet, such village may, with the consent of the latter Village Panchayet, be brought under its jurisdiction, and after a period of not less than five years, may similarly be

1. Substituted by Act XXVIII of 1952.

brought within the jurisdiction of another Village Panchayet.

(2) If two-thirds of the number of voters in any village included in a group of villages under the jurisdiction of a Village Panchayet elect to have a Village Panchayet constituted for their village, such village may be constituted as a Village Panchayet under this Act.

Qualifications of voters.

8. Every person who is a resident of a village and has completed twenty-one years of age, on such date with reference to each election as may be prescribed by the Government shall, unless disqualified, be entitled to vote at an election of members of the Panchayet of that village.

Disqualification of voters.

9. No person may vote—

(*a*) who is of unsound mind ; or

(*b*) who is sentenced by a criminal court to imprisonment for an offence punishable with imprisonment for a term exceeding six months :

Provided that (1) the offence is not of a political character or is one which involves moral turpitude, (2) such sentence has not been subsequently reversed or quashed ; or

(*c*) who is adjudicated an insolvent ; or

(*d*) who has been ordered to find security for good behaviour under section 118 of the Code of Criminal Procedure ; or

(*e*) who has been removed from office under section 11 :

Provided that the disqualification—

(1) under clause (*b*) will, in the case of a person sentenced to imprisonment for a term not exceeding three months, cease to operate after one year after the expiry of the sentence, and in all other cases, after three years after the expiry of the sentence ;

(2) under clause (*d*), will cease to operate after expiry of the period during which the person is ordered to furnish security ;

(3) under clause (*e*), will cease to operate after the expiry of three years from the date of such removal.

Qualifications of candidates.

10. Every person who is entitled to vote at an election and is not less than twenty-five years of age on the date appointed for the presentation of nominations shall be qualified to be elected as a member.

Removal of members of Panchayet.

11. The Commissioner may, on a resolution of a Panchayet for the removal of a member, passed by a majority of not less than two-thirds of the total number of members, remove such member after giving him an opportunity of being heard and after such enquiry as he deems necessary, if such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or refuses to act or becomes incapable of acting. The order of the Commissioner shall be final.

Removal of Chairman.

12. The Commissioner may remove a Chairman from his office for misconduct, or neglect of, or incapacity to perform his duty or for any disgraceful conduct, after giving him an opportunity of being heard and after such enquiry as the Commissioner deems necessary. An appeal shall lie to the Government from the order of the Commissioner.

Vacation of seats.

13. (1) If any person who is not qualified for election is elected to a Panchayet, his seat shall be declared to have become vacant by the Deputy Commissioner and if any member of a Panchayet becomes disqualified during the term for which he has been elected, he shall cease to be a member and in either case, the vacancy shall be filled up in the manner prescribed.

(2) If any question, dispute or doubt arises regarding any vacancy under this section, the orders of the Deputy Commissioner shall be final for the purpose of deciding such question, dispute or doubt.

Term of office of members of a Panchayet.

14. Except as otherwise provided in this Act, members of a Panchayet shall hold office for a term of four years :

Provided that the Government may, for reasons to be stated in writing, extend the said period to a term not exceeding in the aggregate five years.

Election of Chairman.

15. (1) For every Panchayet there shall be a Chairman who shall be elected by the members of the Panchayet from among themselves.

(2) Whenever the office of Chairman becomes vacant, the Panchayet shall choose another member to be Chairman.

Vacancy in the office of Chairman or Member.

16. (1) A member of a Panchayet may resign his seat in writing under his hand addressed to the Chairman and his seat shall become vacant on the expiry of fifteen clear days, from the date of such resignation unless within such period of fifteen days, he withdraws such resignation by writing under his hand addressed to the Chairman.

(2) A member holding office as Chairman may resign his office at any time by writing under his hand addressed to the Deputy Commissioner and his office shall become vacant on the expiry of fifteen clear days from the date of such resignation, unless within the said period of fifteen days, he withdraws such resignation by writing under his hand addressed to the Deputy Commissioner.

(3) Every Chairman shall vacate his office if he ceases to be a member of the Panchayet.

Jurisdiction of Panchayet.

17. The jurisdiction of a Panchayet shall extend over the area comprised within the revenue boundaries of the village or villages for which the Panchayet has been established.

CHAPTER III.

CONDUCT OF BUSINESS.

Appointment of Secretary.

18. Subject to such rules as may be made by the Government in this behalf, the Commissioner shall appoint a Secretary to be in charge of one or more Panchayets specified by the Commissioner.

Procedure for meetings of Panchayets.

19. (1) Subject to the provisions of this section and to such rules as may be made by the Government in this behalf, a Panchayet shall, in the transaction of its business, follow such procedure as may be set out in bye-laws made under this Act.

(2) The Chairman shall hold a meeting of a Panchayet once at least every month. He may, whenever he thinks

fit, and shall, upon the written request of not less than one-half of the members, call a special meeting.

(3) The quorum for a meeting of a Panchayet shall be not less than one-half of the whole number of members of the Panchayet. If, at the time appointed for the meeting or within half an hour thereafter, a quorum is not present, the presiding authority shall adjourn the meeting to such hour on some future day as he may fix. He shall similarly adjourn the meeting at any time after it has begun if his attention is drawn to the want of a quorum. At such adjourned meeting, the business which would have been brought before the original meeting shall be transacted whether there is a quorum present or not, provided that not less than five members are present.

(4) Except as otherwise provided, all questions before a Panchayet shall be decided by a majority of the votes of the members present and voting. The Chairman, unless he refrains from voting, shall give his vote before declaring the number of votes for and against a question, and in case of an equality of votes, he shall give his casting vote.

(5) At every meeting of a Panchayet, the Chairman shall preside and in his absence, the members of the Panchayet present shall choose one of their number to preside thereat.

(6) No act of a Panchayet shall be deemed invalid by reason only that the number of members of the Panchayet at the time of the performance of such act was less than the sanctioned strength or by reason of any irregularity in the election of any member or Chairman of such Panchayet.

Officers and servants of Panchayets.

20. (1) Subject to such rules as may be made by the Government in this behalf, every Panchayet may employ such officers and servants and assign to them such pay, allowances, gratuities, pensions and contributions as may be necessary.

(2) The officers and servants appointed by the Panchayet shall be subject to the disciplinary control of the Secretary.

(Chapter III—Conduct of Business)

Powers of Chairman of Panchayet.

21. Subject to such rules as may be made by the Government in this behalf, every Chairman of a Panchayet shall have the power to—

(1) pass bills and sanction estimates up to a money limit of fifty rupees, provided that provision for such expenditure is made in the sanctioned budget ;

(2) incur contingent expenditure up to five rupees at any one time ;

(3) operate on the Village Panchayet account including authorisation of payment, issue of cheques and refunds ;

(4) supervise the general administration of the Panchayet and to inspect works undertaken by it ;

(5) exercise such other powers as may be conferred by the other provisions of this Act.

Powers of Secretary of Panchayet.

22. Subject to such rules as may be made by the Government in this behalf, the Secretary of every Panchayet shall undertake the following duties and exercise the following powers :—

(1) preparation and maintenance of assessment lists ;

(2) maintenance of essential statistics ;

(3) maintenance of accounts and records ;

(4) recovery of Panchayet dues ;

(5) execution and supervision of works undertaken by the Panchayet ;

(6) checking estimates and bills in respect of works ;

(7) supervision of sanitation and public health measures ;

(8) convening meetings as required by this Act ;

(9) maintenance of proceedings of the Panchayet and forwarding copies of such proceedings to prescribed authorities within prescribed periods ;

(10) subject to general control by the Chairman, power to appoint officers and servants of the Panchayet and to fine, reduce, suspend or dismiss any of them;

(11) power to issue bills and notices to defaulters ;

(12) power to issue distraint warrants and to distrain and seize moveables, provided that such warrants are issued under the signature of the Chairman ;

(13) power to file complaints and suits on behalf of the Panchayet and to conduct proceedings on its behalf ;

(14) subject to bye-laws made by the Panchayet, to take part in meetings of the Panchayet and to speak thereat but not to vote or move any motion ;

(15) generally to undertake such duties and exercise such powers as may be conferred or delegated under the provisions of this Act.

CHAPTER IV.

FUNCTIONS OF PANCHAYET.

Obligatory functions of Panchayet.

23. It shall be the duty of every Panchayet within the limits of the fund at its disposal, to make adequate provision for carrying out the requirements of the area under its jurisdiction in regard to the following matters :—

(1) construction, repair and maintenance of village roads including cart tracks, culverts and bridges but not including those under the control of any other local body or of the Government ;

Explanation.—" Village road " in this clause means all roads in the village *thana* and *vonies*, cart tracks and other passages leading to public wells, tanks and agricultural lands.

(2) construction of drains and disposal of drainage water and sullage ;

(3) cleansing of streets, drains, tanks and wells (other than tanks and wells used exclusively for irrigation) and other public places or works in the area under its jurisdiction ;

(4) construction, repair and maintenance of public wells, tanks and ponds for supply of water for drinking, washing and bathing purposes ;

(5) regulation of buildings, shows, shops, eating and other entertainment houses ;

(6) removal of encroachments on public streets, public places and property vested in the Panchayet ;

(7) opening and maintenance of burial grounds ;

(8) establishment, management and maintenance of cattle pounds ;

(9) sanitation and conservancy and prevention and abatement of nuisance, taking preventive and curative measures in cases of epidemic ;

(10) preservation and improvement of public health ;

(11) maintenance and regulation of the use of public buildings and properties vested in or belonging to the Panchayet ;

(12) allotment of places for storing manure and the enforcement of provisions for storing under composting methods ;

(13) carrying out or assisting in any work entrusted by the District Board or the Government ;

(14) planting and preservation of trees on roads and in other public places ;

(15) regulation of public jatras, fairs, festivals and shandies except those managed by the District Board or by the Government ;

(16) maintenance of essential statistics of the village in the form prescribed by the Government ;

(17) welfare of Scheduled Castes and Scheduled Tribes ;

(18) regulating sale and preservation of meat in meat-stalls by vendors ;

(19) licensing of hotels ;

(20) regulating, curing, tanning and dyeing of skins and hides ;

(21) extension of village sites ;

(22) excavation and maintenance of ponds for the supply of water to animals ;

(23) filling in of insanitary depressions and levelling of land by reclaiming unhealthy areas ;

(24) regulating the collection, removal and disposal of manure and sweepings.

Discretionary functions of Panchayet.

24. Subject to such rules as may be made by the Government in this behalf and subject to the previous approval of the Commissioner, a Panchayet may, within the limits of the fund at its disposal, make provision for carrying out the requirements of the area under its jurisdiction in regard to all or any of the following matters :—

(1) providing relief for travellers ;

(2) relief of the poor and the sick ;

(3) control of cattle stands, grazing grounds and other communal waste land ;

(4) development of education, library and reading rooms, agricultural co-operation, rural industries and trade;

(5) lighting of the village ;

(6) other measures of public utility calculated to promote the safety, health, comfort or convenience of the residents of the area ;

(7) the improved breeding and medical treatment of cattle and prevention of cattle disease ;

(8) construction and maintenance of slaughter houses ;

(9) establishment and maintenance of maternity and child welfare centres ;

(10) medical aid including establishment and maintenance of small dispensaries either singly or in collaboration with other panchayets ;

(11) control and management of village forests ;

(12) management of minor muzrai institutions ;

(13) exercising all the powers and discharging all the functions of a Panchayet under the Tank Panchayet Act ;

(14) rural security including organisation of village guards and other associations for the maintenance of village morale and safety ;

(15) organising, supervising and controlling rural development or multi-purpose co-operative societies ;

(16) establish and maintain warehouses.

Institutions or works may be transferred to Panchayet.

25. Subject to such rules as may be prescribed by the Government, any District Board, the Deputy Commissioner or any private person or body of persons may, with the consent of a Panchayet and subject to such conditions as may be agreed upon, make over to it the management of any institution or the execution or maintenance of any work or the performance of any duty within the area over which it has got control.

Power of Government to add to functions of Panchayets.

26. The Government may, subject to such conditions as may be imposed, authorise any Panchayet by a general or special order, to exercise any functions or perform any duties other than those specified in sections 23 to 25.

General powers of Panchayet.

27. A Panchayet shall have power to do all acts necessary for and incidental to the carrying out of the functions entrusted or delegated to it, and in particular and without prejudice to the foregoing power, to exercise the powers specified in sections 28, 29, 30, 31 and 32 ; and the Panchayet may appoint Committees to perform any of these functions.

Power of Panchayets as to roads, bridges and water-ways.

28. The Panchayet shall have control of all village roads and bridges thereon, cart-tracks, drains, tanks, wells and other public places in the village, not being private property and not being under the control or management of a District Board, Municipal Council or a Government Officer, and may do all things necessary for the maintenance and repair thereof and may—

(*a*) lay out and make new roads ;

(*b*) construct new bridges ;

(*c*) widen, open, enlarge, or otherwise improve any road or bridge ;

(*d*) divert, discontinue or close any road or bridge ;

(*e*) deepen or otherwise improve water-ways ; and

(*f*) provide for the lighting of any road or public place within the village.

Control of the erection of buildings.

29. (1) Subject to such rules as may be prescribed, no person shall erect any building or alter or add to any existing building or reconstruct any building without the written permission of the Panchayet. Such permission shall be presumed to have been granted if no refusal of such permission is communicated within two months of the receipt of the application.

(2) Whenever any building is erected, altered, added to or reconstructed without such permission or in any manner contrary to the rules prescribed under sub-section (1) or any conditions imposed by the permission, the Panchayet may—

(*a*) direct that the building, alteration, or addition be stopped ;

(*b*) by written notice, require such building, alteration or addition to be altered or demolished as it may deem necessary ; or

(*c*) withdraw the permission.

(3) An appeal shall lie to the Deputy Commissioner from any order or direction or notice of the Panchayet under sub-section (2) and the decision of the Deputy Commissioner on such appeal shall be final.

Power of Government to prohibit the erection of buildings in certain areas without permission.

30. (1) Notwithstanding anything contained in section 29, the Government may, in the public interest and after consulting the Panchayet concerned, prohibit by notification published in the *Mysore Gazette*, the erection of any building within a specified area in a Panchayet, except with permission granted by the Government in this behalf.

(2) The grant of any permission under sub-section (1) may be subject to such conditions as may be fixed by the Government in each case or prescribed generally.

(3) Whoever erects any building contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2) shall, on conviction, be punished with fine which may extend to two hundred rupees.

(4) The Government may demolish any building erected contrary to the provisions of sub-section (1) or in violation of the conditions imposed under sub-section (2).

Prohibition of offensive or dangerous trades without license.

31. (1) No place within the jurisdiction of a Panchayet shall be used for the purpose of any trade or business which the Government may, by notification, declare to be offensive or dangerous, except under a license from the Panchayet and subject to such conditions as may be imposed in the license.

(2) When a licensee fails to comply with any condition mposed in the license, the Panchayet may suspend or cancel his license.

Control of dairies, hotels, etc.

32. (1) No place within the jurisdiction of a Panchayet shall be used as a dairy, hotel, restaurant, eating house, coffee house, sweetmeat shop, bakery, boarding house or lodging house (other than a students' hostel under public or recognised control or a dharmasala or for manufacturing ice or ærated water), without a license from the Panchayet and except in accordance with the conditions specified therein.

(2) A license under this section shall be granted or renewed only on payment in advance of such fee as may be prescribed.

(3) The Panchayet may, for reasons to be recorded in writing, refuse to grant or renew a license or suspend or cancel a license granted or renewed under sub-section (1) for default of any of the conditions subject to which the license was granted.

(4) The Panchayet may, having regard to the local conditions, fix the number and category of dairies, hotels, restaurants, eating houses, coffee houses, sweetmeat shops, bakeries, boarding or lodging houses, and places for manufacturing ice or ærated water, and direct by order the closure of such places as may be specified by it used for the purposes aforesaid, in excess of those fixed by it:

Provided that no place shall be directed to be closed except after notice of not less than thirty days.

(5) Any person aggrieved by the refusal to grant or renew a license or by the suspension or cancellation of a license under sub-section (3) or by an order directing the

closure of a place under sub-section (4) may, within thirty days of the date of communication of the order, appeal to the Deputy Commissioner; and the decision of the Deputy Commissioner on such appeal shall be final.

Power as to sanitation, conservancy and drainage.

33. (1) If it appears necessary to improve the sanitary condition of any area within its jurisdiction, a Panchayet may, by a written notice, require, within a reasonable period to be specified therein—

(i) the owner or occupier of any hut or the owner of any privy to remove such hut or privy either wholly or in part;

(ii) the owner or occupier of any building to construct private drains therefor or to alter or to remove private drains thereof;

(iii) the owner or occupier of any land or building which needs to be cleansed, to cause the same to be cleansed to the satisfaction of the Panchayet;

(iv) the owner or occupier of any land or building which contains a well, pool, ditch, pit, pond, tank or any place containing or used for the collection of any drainage, filth or stagnant water which is injurious to health or offensive to the neighbourhood or is otherwise a source of nuisance, to cause the same to be filled up, cleansed or deepened or to cause the water to be removed therefrom or drained off or to take such other action therewith, as may be deemed necessary by the Panchayet;

(v) the owner or occupier of any land overgrown with vegetation, under-growth, prickly-pear, or jungle which is in any manner injurious to health or dangerous to the public or offensive to the neighbourhood or an impediment to efficient ventilation, to cause it to be cleared of the vegetation, under-growth, prickly-pear or jungle.

(2) If any work required by a notice under sub-section (1) is not executed within the period specified in the notice, the Panchayet may itself cause such work to be carried out and may recover the cost of such work or part thereof from the owner or occupier referred to in sub-section (1) as if it were a tax imposed under section 39.

(Chapter IV—Functions of Panchayet)

Power for providing adequate water supply.

34. (1) For providing the area under its control or any part thereof with a supply of water, pure and sufficient for public and private purposes, the Panchayet may—

(*a*) construct, repair and maintain tanks or wells and clear out streams or water courses ;

(*b*) purchase or acquire by lease or gift any tank, well, stream or water-course, or any right to take or convey water within or without the area under its control ;

(*c*) with the consent of the owner thereof, utilize, cleanse or repair any tank, well, stream or water-course or provide facilities for obtaining water therefrom ;

(*d*) contract with any person for a supply of water ; or

(*e*) do any other acts necessary for carrying out the purposes of this section.

(2) The Panchayet may, by order published at such places as it may think fit, set apart for the supply of water to the public for drinking or culinary purposes, any tank, well, stream, or water-course in respect of which action has been taken under clause (*a*) or (*b*) or (*c*) of sub-section (1), subject to any rights which the owner referred to in clause (*c*) of the sub-section (1) may retain with the consent of the Panchayet.

(3) The Panchayet may, by order published at such places as it may think fit, prohibit—

(*a*) bathing, washing of clothes and animals, or other acts calculated to pollute the water of any tank, well, stream or water-course set apart for drinking or culinary purposes under sub-section (2) ; and

(*b*) during epidemics, the use of any source of water supply for drinking or culinary purposes or for the washing of clothes.

Power of Government to make rules regarding provision of water supply.

35. Subject to such rules as the Government may make in this behalf, a Panchayet may make bye-laws for conserving and preventing injury to sources and means of water-supply, and appliances for the distribution of water, whether within or without the limits of the Panchayet ; and for regulating all matters connected with the supply and use of water and the turning on, or

turning off, and preventing the waste of water and the construction, maintenance and control of Panchayet water works and pipes and fittings in connection therewith, whether the property of the Panchayet or not.

Power of entry.

36. Any member, officer or servant of a Panchayet may enter into or upon any building or land, with or without assistants or workmen, in order to make any inspection or execute any work for any of the purposes of this Act:

Provided that—

(*a*) no such entry shall be made between sunset and sunrise ;

(*b*) unless the entry be with the consent of its occupier, no dwelling house shall be so entered without giving reasonable previous notice signed by the Chairman or by a person duly authorised by him in this behalf of the intention to make such entry ; and

(*c*) due regard shall be had in making such entry to the social and religious usages of the occupants of the premises entered.

CHAPTER V.

PANCHAYET FUND AND RECOVERY OF DUES.

Panchayet Fund.

37. (1) All sums realised as taxes, fees, cesses, fines or costs under this Act, all fines and surplus proceeds of sale of cattle under the Cattle Trespass Act, 1871, all sums of revenue assigned to the Panchayet under this Act or by any general or special order of Government and all other receipts of the Panchayet including any donations from a private person or body of persons, and any contribution or grant from a District Board or the Government and loans raised by the Panchayet shall be paid into a fund to be called the "Panchayet Fund."

(2) The Panchayet Fund shall be administered by the Panchayet and the expenses incurred by the Panchayet in

carrying out the purposes of this Act shall be paid out of the Panchayet Fund:

Provided that all sums made over to or realised by a Panchayet for any specific purpose shall be applied solely for that purpose.

(3) The Panchayet Fund shall be lodged in the Government Savings Bank or in a Co-operative Society or Bank approved by the Deputy Commissioner, or in such manner as may be prescribed. A Panchayet may, from time to time, with the approval of the Deputy Commissioner, invest any portion of its surplus funds in Government securities or other securities approved by the Government.

Government to assign part of land revenue to Panchayets.

[1][**38.** The Government shall assign to all the Panchayets in the State an amount equal to twelve and a half per cent of the net land revenue collected in the State, the amount to be allotted to each Panchayet being such as the Government may from time to time determine.

Explanation.—For determining the net land revenue collected for purposes of assignment to the Panchayets, the cost of collection calculated in the prescribed manner and charges on irrigation, collected as water rate or other charge, shall be excluded from the gross amount collected.]

Taxes on houses, shops, etc.

39. (1) The Panchayet shall determine the rates of tax on all houses, shops or places of trade or business, vacant sites, *hittals* and carts kept in the village or villages within its jurisdiction, not exceeding the maxima specified in Schedule I.

(2) When the rates of tax leviable are determined by the Panchayet under sub-section (1), the Secretary of the Panchayet shall prepare an assessment list in accordance with rules and bye-laws made in this behalf and the list so prepared shall be subject to the approval of the Panchayet.

The assessment shall be recovered by the Secretary in such manner as the Panchayet may determine by bye-laws made in this behalf.

(3) It shall be competent to the Panchayet to make provision for exemptions in favour of individuals or a class of individuals, subject to such rules as may be prescribed in this behalf.

1. Substituted by Act XXVIII of 1952.

Village improvement tax.

40. (1) A Panchayet may levy a village improvement tax, commutable into a contribution of labour, subject to the rules prescribed in this behalf.

(2) Such tax shall be levied at rates not less than Rs. 6 or more than Rs. 10 per family per annum.

Profession tax.

41. A Panchayet may, subject to such bye-laws as may be made by it in this behalf, and with the sanction of the Commissioner, levy profession tax on all or any of the professions set out in Schedule II and at rates not exceeding the maxima prescribed in the said Schedule.

Tax on fairs, etc.

42. (1) A Panchayet may, subject to bye-laws made by it in this behalf, levy a tax on shandies, fairs and festivals at rates not more than the rates specified in Schedule III :

Provided that the levy of such tax is agreed to by not less than two-thirds of the total number of members of a Panchayet.

(2) Any tax specified in sub-section (1) may be cancelled with the previous sanction of the Government.

(3) The Secretary shall assess and take action to recover any such tax as is levied under sub-section (1).

Increase of income.

43. (1) If, at any time, in the opinion of the Deputy Commissioner, the regular income of the Panchayet falls below what is necessary for the proper discharge of the duties specified in section 23, the Deputy Commissioner may call upon the Panchayet to take steps within six months to increase its income to such an amount as may be considered necessary. If the Panchayet fails to take adequate steps to increase its income to the required amount, the Deputy Commissioner may require it to increase the rate of taxes imposed under section 39.

(2) An appeal shall lie to the Commissioner from an order of the Deputy Commissioner under this section.

Objections in respect of liability to assessment.

44. Objections to any assessment and the liability of any person to be assessed under this Act shall be preferred and decided in accordance with rules made under this Act.

(*Chapter V—Panchayet Fund and Recovery of dues*)

Collection of taxes, fees, etc.

45. (1) The amount of taxes, fees or other dues shall be paid in such manner as may be prescribed, and in case of default of such payment, shall be recoverable by the Amildar as an arrear of land revenue.

(2) Nothing herein contained shall preclude the institution by the Secretary of a suit for any amount due under this Act.

(3) No proceedings shall be taken under sub-section (1) more than six years after the amount became due.

Power of Panchayet to raise loans.

46. Subject to such rules as may be prescribed and with the previous sanction of the Government, a Panchayet may raise loans for carrying out works of permanent utility within the area under its control. The amounts so borrowed shall be a first charge upon its revenues.

Annual budget of Panchayets.

47. (1) Subject to such rules as may be prescribed in this behalf by the Government, every Panchayet shall prepare a budget of estimated receipts and expenditure for the next official year and forward it to the Commissioner or to such other officer as may be specified in the rules.

(2) Every such budget shall be scrutinised and passed by the Commissioner or such other officer to whom it has been forwarded :

Provided that the budget shall be presumed to have been passed if it is not returned by the Commissioner or such other officer within two months of the receipt thereof by the Commissioner.

(3) No expenditure which is not provided for in the budget as passed by the Commissioner or such other officer shall be incurred without the previous sanction of the Commissioner.

(4) The scrutiny of such budget shall be limited to ascertain if—

(i) the obligatory duties specified in this Act have been provided for ;

(ii) the financial commitments of the previous years have been provided for ;

(iii) contributions due to Government and to other local bodies have been provided for ;

(iv) expenditure proposed is well within the normal revenue ; and

(v) adequate closing balance has been provided for as prescribed.

Annual accounts and audit.

48. Accounts of all the receipts and expenditure of every Panchayet shall be maintained for every official year in such form as the Government may prescribe and shall be examined and audited by such officer as may be appointed by the Government in this behalf.

PART III—DISTRICT BOARD.

CHAPTER VI.

CONSTITUTION OF DISTRICT BOARD.

Establishment and incorporation of District Boards.

49. (1) As soon as may be after the commencement of this Act, and with effect from such date as it may appoint, the Government shall establish by notification in the *Mysore Gazette*, for each district, a District Board having authority over the entire district, provided that such portions of the district as are included in a municipality or are under the authority of a Sanitary Board or a Town Board constituted under any law for the time being in force shall be excluded from the jurisdiction of the District Board.

(2) Every District Board shall be a body corporate by the name of the District Board of the District for which it shall have been established, and shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

Composition of District Boards.

50. (1) Every District Board shall be composed of members elected in accordance with the provisions of this Chapter.

(2) The total number of seats in a District Board specified in the first column of the fourth schedule shall be the number specified in the second column thereof opposite to that district.

Composition of electorate.

51. The members shall be elected by electorates consisting of members of every Panchayet constituted within each Taluk in the District.

Reservation of seats for Scheduled Castes.

52. (1) Seats shall be reserved in a District Board for the Scheduled Castes.

(2) The number of such seats shall bear, as nearly as may be, the same proportion to the total number of seats in the District Board as the population of the Scheduled Castes in the district bears to the total population of the district :

Provided that at least one seat shall be reserved in a District Board for the Scheduled Castes :

Provided further that this section shall cease to have effect after ten years from the commencement of this Act :

Provided further that the second proviso to this section shall not affect any representation in a District Board until the expiry of the term of office of its members.

List of voters.

53. (1) The District Board shall keep a list for each constituency of persons qualified to vote at elections of members to the District Board.

(2) Such list shall be prepared and revised in such manner as may be prescribed.

Disqualification of members.

54. (1) (A) No person may be a member of a District Board—

(*a*) who has been sentenced by a criminal court to imprisonment for an offence punishable with imprisonment for a term exceeding six months, or to transportation, provided that (1) the offence is not of a political character or is one which involves moral turpitude, (2) such sentence has not been subsequently reversed, or quashed, or

(*b*) against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1904, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or

(*c*) who has been dismissed from Municipal, District Board or Government service, such dismissal having been notified as debarring him from re-employment, or

(*d*) if, having been a legal practitioner, he has been dismissed or is under suspension by order of a competent court, the disqualification in the latter case being operative during the period of such suspension, or

(*e*) who is an undischarged insolvent, or

(*f*) who is less than twenty-five years of age, or

(*g*) who is of unsound mind, or

(*h*) who has been removed from membership under section 61, or

(*i*) who is a judge, and

(B) No person,—

(*a*) who is a salaried servant of a District Board, a Village Panchayet or any other local body or a Government,

(*b*) who, save as hereinafter provided, has directly or indirectly, by himself or his partner, any share or interest in any work done by order of a District Board, or in any contract or employment with, or under or by, or on behalf of a District Board, or

(*c*) who is employed as paid legal practitioner on behalf of a District Board or accepts employment as legal practitioner against a District Board,

may be a member of such District Board :

Provided that—

(*a*) the disqualification in sub-clause (*b*) of clause (A) will cease to operate after the expiry of the period during which a person is ordered to furnish security ;

(*b*) the disqualification in sub-clause (*a*), (*c*) and (*d*) of clause (A) will cease to operate after the expiry of three years from the date of such sentence, dismissal, or removal or earlier by an order of the State Government;

(*c*) a person shall not be deemed to have incurred disqualification under clause (B) (*b*) by reason of his—

(i) having a share in any joint-stock company or a share or interest in any literary association registered under the Societies Registration Act, 1904, or in any society registered under the Mysore Co-operative Societies Act, 1948, which shall contract with or be employed by or on behalf of the District Board, or

(ii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the District Board may be inserted, or

(iii) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the District Board.

(2) If any member of a District Board during the term for which he has been elected—

(*a*) becomes subject to any disqualification specified in sub-section (1), or

(*b*) votes or takes part as a member in the discussion of any matter in which he has directly or indirectly by himself or his partner any such share or interest as is described in sub-clauses (i) and (ii) of clause (*c*) of the proviso to sub-section (1), or

(*c*) absents himself for more than three consecutive ordinary meetings of the Board unless leave so to absent himself, which shall not exceed six months had been granted by the Board, or absents himself for over six consecutive months from meetings of the Board,

he shall be disabled from continuing to be a member and his office shall become vacant.

(3) If any question arises whether any person is disqualified under this section or disabled from continuing as a member, the question shall be referred for the

decision of the Government and its decision shall be final.

Qualification of members.

55. Every person who is not less than twenty-five years of age and who is a resident of a taluk inclusive of all municipal limits therein shall be qualified to be elected as a member of the District Board from any taluk of that district.

Procedure for elections.

56. Subject to the provisions of this Act, elections and bye-elections to District Boards shall be held in accordance with such rules as may be made by the Government in this behalf.

Determination of the validity of elections; enquiry by judge; procedure.

57. (1) At any time within fifteen days after the declaration of the result of an election any candidate who stood for election or any ten persons qualified to vote at that election, may apply, together with a deposit of one hundred rupees as security for costs, to the Judge not below the rank of a Subordinate Judge, appointed by the Government in this behalf, for the determination of the validity of the election or the legality of the order or proceeding in question.

(2) An enquiry shall thereupon be held by the Judge who may, after such enquiry as he deems necessary, pass an order confirming or amending the declared result of the election or the order of the Deputy Commissioner or other officer empowered in this behalf under section 56, or setting the election aside. For the purposes of the said enquiry, the said Judge may exercise any of the powers of a civil court. He may also award costs in such manner as he may deem fit and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure and his decision shall be conclusive. If he sets aside an election, he shall forthwith communicate the fact to the Deputy Commissioner who shall take the necessary steps for holding a fresh election.

(3) (*a*) If, on holding such enquiry, the Judge finds that a candidate has, for the purpose of the election, committed a corrupt practice within the meaning of sub-section (4), he shall declare the candidate disqualified both for the purpose of that election and of such fresh election as may be held under sub-section (2), and shall

set aside the election of such candidate if he has been elected.

(*b*) If in any case to which clause (*a*) does not apply, the validity of an election is in dispute between two or more candidates, the Judge shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour to have been duly elected :

Provided that, for the purposes of such computation, no vote shall be reckoned as valid if the Judge finds that it was given by an unqualified person or any corrupt practice was committed by any person, known or unknown, in giving or obtaining it.

(4) A person shall be deemed to have committed a corrupt practice—

(*a*) who, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury to any person, or

(*b*) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote.

And a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Explanation.—The expression "a promise of individual profit" includes a promise for the benefit of the person himself or any person in whom he is interested, but does not include a promise to vote for or against any particular measure which may come before the District Board for consideration.

(5) If the validity of the election is brought in question only on the ground of an error made by the officer charged with carrying out the rules made in this behalf or of an irregularity or informality not corruptly caused, the Judge shall not set aside the election.

Explanation.—The expression 'error' in this sub-section does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Act or the rules made thereunder whereby the result of election has been materially affected.

(6) If the Judge sets aside an election under clause (*a*) of sub-clause (3), he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section to be disqualified from being a member of any District Board for a term of years not exceeding five and the decision of the Judge shall be conclusive :

Provided that such person, may, at any time be relieved from such disqualification by an order of the State Government in that behalf :

Provided further that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration shall not be made.

Publication of names of members in the *Mysore Gazette.*

58. The names of all members finally elected to any District Board, shall be reported to the Government who shall notify it in the *Mysore Gazette.*

Term of office of members.

59. Except as is otherwise provided in this Act, members of a District Board shall hold office for a period of four years :

Provided that the Government may, for reasons to be stated in writing, extend the said period to a term not exceeding in the aggregate five years.

Resignation of member.

60. A member of a District Board may resign his membership in writing, under his hand addressed to the President of the District Board and his seat shall become vacant on the expiry of fifteen clear days from the date o such resignation, unless, within the said period of fifteen days, he withdraws such resignation by writing under his hand addressed to the President.

Removal of members for misconduct, etc.

61. The Government may, if it thinks fit, on a resolution of a District Board for the removal of a member of such Board, passed by a majority of not less than two-thirds of the total number of members of the Board,

remove such member, after giving him an opportunity of being heard and after such enquiry as the Government deems necessary, if such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a member of the Board.

Election of President and Vice-President.

62. (1) Every District Board shall, as soon as may be, choose two members of the District Board to be respectively President and Vice-President thereof, and so often as the office of President or Vice-President becomes vacant, by death, resignation, removal or otherwise, the District Board shall choose another member to be President or Vice-President as the case may be :

Provided that notwithstanding the expiry of his term, a President or Vice-President shall continue in office until three of the clock on the day prior to the day appointed for the election of the next President.

(2) The election of the President or the Vice-President of a District Board and filling up of vacancies in the said offices shall be held in accordance with such rules as may be made in this behalf by the Government.

Resignation or removal of President and Vice-President and grant of leave to President and Vice-President.

63. (1) A member holding office as President or Vice-President may resign his office at any time by writing under his hand addressed to the Deputy Commissioner and his office shall become vacant on the expiry of fifteen clear days from the date of such resignation, unless, within the said period of fifteen days, he withdraws such resignation by writing under his hand addressed to the Deputy Commissioner.

(2) Every President or Vice-President shall vacate office if he ceases to be a member of the District Board :

Provided that he shall be removable from office as such President or Vice-President by the Government for not commanding the confidence of the Board, to be evidenced by a resolution of the District Board in favour of which not less than two-thirds of the whole number of members of such Board have given their votes at a meeting specially convened for the purpose.

(3) Every President who, for a period exceeding three months and every Vice-President who, for a period

exceeding three months, absents himself from the District in such manner as to be unable to perform his duties as, President or Vice-President, shall cease to be President or Vice-President, as the case may be, unless leave so to absent himself has been granted by the Board.

(4) Leave under sub-section (3) shall not be granted for a period exceeding six months, and whenever leave is granted to a President or Vice-President under that sub-section, the Board shall elect one of its members to exercise all the powers and perform all the duties of a Vice-President in lieu of the Vice-President, if any, who is exercising the powers and performing the duties of the President or who is absent on leave, during the period for which such leave is granted. If there is no Vice-President for the Board or if the Vice-President is also on leave when leave is granted to a President, the Board shall elect one of the members to perform the duties of the President on leave.

Jurisdiction of District Board.

64. The jurisdiction of a District Board shall extend over the area of the district for which the District Board has been established, except areas excluded from its jurisdiction under section 49.

CHAPTER VII.

CONDUCT OF BUSINESS.

Powers of President.

65. The President of a District Board shall—

(*a*) preside at the meetings of the Board and all its standing committees ;

(*b*) watch over the financial and executive administration of the Board and exercise general supervision and control without prejudice to the statutory powers of the Chief Executive Officer ;

(*c*) submit to the Board all questions which require its sanction ;

(*d*) furnish to the Government a copy of every resolution passed at every meeting of the Board and extracts from the minutes of the proceedings of the Board or other document or thing which the Government may from time to time call for, and forward a copy to the Commissioner;

(*e*) furnish to the Commissioner a copy of any resolution or extracts from the minutes of the proceedings of the Board or other document or thing which he may from time to time call for; and

(*f*) subject to the provisions contained in rules to be made in this behalf by the Government, exercise such powers or duties relating to the executive functions of the Board which may be delegated to him by the Board.

Emergency powers of President.

66. The President of the District Board may, in cases of emergency, direct the execution or stoppage of any work or the doing of any act which requires the sanction of the Board and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing such work or doing such act shall be paid from the District Fund:

Provided that—

(*a*) he shall not act under this section in contravention of any order of the Board prohibiting the execution of any particular work or the doing of any particular act, and

(*b*) he shall report forthwith the action taken under this section and the reasons therefor to the standing committee at its next meeting.

Powers of Vice-President.

67. The Vice-President of a District Board shall—

(*a*) in the absence of the President, preside at the meetings of the Board;

(*b*) exercise such powers and perform such duties of the President as the President may, from time to time, delegate to him; and

(*c*) exercise powers and perform the duties of the President, pending the election of a President or during the absence of the President on leave.

(Chapter VII—Conduct of Business)

Meetings of District Boards.

68. (1) A District Board shall meet for the transaction of business generally at district headquarters and occasionally at other places with the permission of the Government, once in every two months (hereinafter in this section called ordinary meeting) and shall, subject to the provisions of the following sub-sections, make, from time to time, regulations not inconsistent with this Act and with any rules or orders made by the Government in this behalf, with respect to the day, hour, notice, management and adjournment of its meetings and generally with respect to the transaction of business thereat, as it thinks fit.

(2) (*a*) The date of the first meeting of the Board after reconstitution, shall be fixed by the Chief Executive Officer and the Deputy Commissioner shall preside at such meeting and the date of each subsequent ordinary meeting shall be fixed at the previous meeting of the Board, provided that the President may, for sufficient reasons, alter the day of the meeting to a subsequent date. The President may, whenever he thinks fit, and shall, upon the written request of not less than one-fourth of the members and for a date within twenty-one days from the receipt of such request, call a special meeting. Such request shall specify the object for which the meeting is proposed to be called.

(*b*) Fourteen clear days' notice of an ordinary meeting and ten clear days' notice of a special meeting specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be sent to the members and posted up at the District Board Office. Such notice shall include in the case of a special meeting any motion or proposition mentioned in the written request made for such meeting.

(*c*) One-third of the whole number of members of the District Board shall form a quorum for transacting business at a meeting of the Board. If, at the time appointed for the meeting or within half an hour thereafter, a quorum is not present, the presiding authority shall adjourn the meeting to such hour on some future day as he may fix. He shall similarly adjourn the meeting at any time after it has begun if attention is drawn to the want of a quorum. At such adjourned meeting the business which would have been brought before the original meeting shall be transacted, whether there is a quorum

present or not, provided that not less than five members are present.

(*d*) Every meeting shall be open to the public unless the presiding authority deems any inquiry or deliberation pending before the Board such as should be held in private, and provided that the said authority may at any time, cause any person to be removed who interrupts the proceedings.

(*e*) Every meeting shall be presided over by the President, or, if he be absent, by the Vice-President, if any, and if both the President and Vice-President are absent or if the President be absent and there is no Vice-President, by such one of the members present as may be chosen by the meeting to be Chairman for the occasion.

(*f*) All questions shall, unless otherwise specially provided, be decided by a majority of votes of the members present and voting. The President, Vice-President or Chairman, as the case may be, unless he refrains from voting, shall give his vote before declaring the number of votes for and against a question and in case of equality of votes, he shall give his casting vote.

(*g*) No member of a District Board shall vote on, or take part in, the discussion of any question coming up for consideration at a meeting of the Board or any Committee, if the question is one in which apart from its general application to the public he has any direct or indirect pecuniary interest.

(*h*) If the presiding authority is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion, or vote on, or take part in it. Any member of the Board may be chosen to preside at the meeting during the continuance of such discussion.

(*i*) Except with the permission of the presiding authority, which permission shall not be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof, no business shall be transacted and no proposition shall be discussed at any ordinary meeting unless it has been entered in the notice convening such meeting or, in the case of a special meeting, in the written request for such meeting. The

order in which any business or proposition shall be brought forward at such meeting shall be determined by the presiding authority, who, in case it is proposed by any member to give priority to any particular item of such business or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

(*j*) Any ordinary meeting may, with the consent of a majority of the members present, be adjourned from time to time; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

(*k*) No resolution of a District Board shall be modified or cancelled within six months after the passing thereof, except by a resolution passed by not less than one-half of the whole number of members at an ordinary or special meeting, notice whereof shall have been given fulfilling the requirements of clause (*b*) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

(3) Minutes shall be kept of the names of the members and of the Government officers, if any, present under the provisions of sub-section (4) of section 80 and of the proceedings at each meeting of the Board, and if any member present at the meeting so desires, of the names of the members voting, respectively, for or against any resolution, in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the President, Vice-President or Chairman of such meeting and shall, at all reasonable times, be open to inspection by any member of the Board or by any person entitled to vote for elections to the District Board.

(4) A copy of every resolution passed by a District Board at a meeting shall, within ten days from the day of the meeting, be forwarded to the Government and to the Commissioner, and the Government may pass such orders thereon as they may think fit.

Vacancy not to affect proceedings of Board or Committee.

(5) During any vacancy in a District Board or any Committee thereof, the continuing members may act as if no vacancy had occurred.

(Chapter VII—Conduct of Business)

Interpellations and resolutions.

69. (1) A member of a District Board may call the attention of the President to any neglect in the execution of the District Board work, to any waste of District Board property, or to the wants of any locality within the District Board area and may suggest any improvements which may appear desirable.

(2) A member of a District Board may move resolutions and interpellate the President on matters connected with the administration of the Board, subject to such regulations as may be made by the Board.

(3) Every member shall have access to the records of the District Board or of any Committee after giving due notice to the President, provided that the President may, for reasons given in writing, forbid such access.

(4) A District Board may, subject to such restrictions and conditions as may be imposed by the Government by rules made in this behalf, pass and submit for the consideration of the Government, resolutions on questions connected with the administration of the district other than those coming within the purview of this Act.

Chief Executive Officer and other officers of the District Board.

70. (1) Every District Board shall have a Chief Executive Officer appointed by the Government.

(2) Subject to such rules as may be made by the Government in this behalf, every District Board shall be entitled to employ such officers and servants and assign to them such pay, allowances, gratuities, pensions and contributions as may be necessary, and generally to provide for leave, punishment and other matters relating to the officers and servants by regulations.

(3) The officers and servants appointed by the District Board under sub-section (2) shall be subordinate to, and subject to the disciplinary control of, the Chief Executive Officer.

Functions of the Chief Executive Officer.

71. The Chief Executive Officer shall perform the following functions:—

(1) convene meetings and maintain proceedings thereof;

(2) furnish the District Board with returns, statements, estimates, statistics or other information relating to the administration of the Board, and reports on

such matters and copies of documents in his charge whenever called upon by the District Board to do so;

(3) exercise supervision and control over the acts of all officers and servants of the Board in matters of executive administration and in matters relating to accounts and records of the Board;

(4) furnish to the Government through the President a copy of every resolution passed at a meeting of the Board;

(5) furnish through the President any extract of the proceedings of the Board or of any Committee thereof or of other documents or things which the Commissioner or any officer authorised by the Government in this behalf, may call for;

(6) appoint with the approval of the President, and subject to such rules as the Government may make in this behalf, qualified persons to posts under the District Board and grant leave of absence to holders of such posts and to fine, reduce, suspend or dismiss holders of such posts:

Provided that an appeal shall lie against his orders of fine, reduction, suspension or dismissal to the Commissioner;

(7) prefer, subject to the provisions of this Act, complaints in prosecutions by the District Board and initiate or conduct proceedings, civil or criminal, on behalf of the Board;

(8) subject to regulations made by the District Board in this behalf, take part in meetings of the Board and speak thereat but shall not vote or move any motion; and

(9) such other functions as may be delegated to him by the Board.

Mode of making contracts.

72. (1) Every contract or agreement entered into on behalf of the District Board, shall be binding on the District Board only if the said contract or agreement is executed in accordance with the provisions of this section.

(2) In respect of matters which he is empowered to carry out under the provisions of this Act, the Chief Executive Officer may execute contracts or agreements

on behalf of the District Board where the amount or value of such contract or agreement does not exceed one thousand rupees and he may execute such contract or agreement on behalf of the District Board with the previous approval of the President where the amount or value of such contract or agreement exceeds one thousand rupees but does not exceed three thousand rupees and in all other cases, he shall execute a contract or agreement only with the approval or sanction of the District Board.

(3) Notwithstanding anything to the contrary in sub-section (2), the Chief Executive Officer shall not execute any contract or agreement on behalf of the District Board for the purchase, sale, lease, mortgage or other transfer of immovable property, except with the approval or sanction of the District Board.

Contracts entered into by the Chief Executive Officer to be reported.

73. Where a Chief Executive Officer enters into a contract or agreement on behalf of a District Board, he shall report the fact to the District Board within fifteen days thereof.

District Fund ordinarily liable for all costs and expenses incurred by the Board.

74. Except as is hereinafter otherwise provided, no Chief Executive Officer and no member of a District Board shall be personally liable in respect of any contract or agreement made, for any expense incurred by, or on behalf of, such Board: the District Fund at the disposal of each District Board shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses:

Provided that every member of a District Board shall be personally liable for the misapplication, loss or waste of any money or other property of the Board, entrusted to him as member or to which he has been a party or which has been caused or facilitated by his misconduct or gross neglect of his duty as a member and may be sued by the Board concerned with the sanction of the Government, or by the Government, for the recovery of or compensation for the misapplication, loss or waste of such money or property; and any money or property so recovered by the Government shall, after satisfaction therefrom of the necessary expenses of such recovery, be delivered to the District Board.

Powers to compromise suits and claims.

75. (1) A District Board may compromise in respect of any suit instituted by or against it, or, in respect of any claim or demand arising out of any contract entered into by it under this Act, for such sum of money or other compensation as it shall deem sufficient:

Provided that, if any sanction in the making of any contract is required by this Act, the like previous sanction shall be obtained for compromising any claim or demand arising out of such contract.

(2) A District Board may make compensation out of the District Fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it and its officers and servants under this Act.

Works to be executed by the Public Works Department.

76. (1) All public works requiring a degree of professional skill not at the disposal of the District Board shall, as a rule, be carried out by the Public Works Department unless specially ordered otherwise by the Government.

(2) All other works of the District Board shall be executed by such agency and subject to such supervision as the District Board thinks fit, subject to the rules prescribed by the Government in this behalf:

Provided that any such work shall be executed by the Public Works Department in the manner specified in sub-section (1), if the Board communicates a desire to that effect.

(3) When any work is executed for a District Board by the Public Works Department, the expenses incurred on the work together with the charges for supervision and tools and plant at such rates as may be fixed by the Government shall, unless waived by the Government, be payable by the Board to the Public Works Department.

District Board to appoint Committees.

77. (1) Every District Board shall appoint the following committees:—

(i) Standing Committee;

(ii) Audit Committee;

(iii) Public Health Committee;

(iv) Scheduled Castes Amelioration Committee.

(Chapter VII—Conduct of Business)

(2) The President of the District Board shall be a member and the Chairman of the Standing Committee and the Audit Committee and the Vice-President of the District Board shall be a member and the Chairman of the Public Health Committee and the Scheduled Castes Amelioration Committee and in the absence of the Chairman the Committee may appoint any other member to officiate as Chairman.

(3) The total number of members of each committee shall be such as may be prescribed by regulations made in this behalf by the District Board :

Provided that such number shall not be more than 7 nor less than 5 :

Provided further that the Scheduled Castes Amelioration Committee shall consist of not more than nine members of whom not more than six members shall be the Scheduled Castes members of the Board.

Functions of Committees.

78. (1) The Standing Committee shall frame the budget and enunciate policies to be adopted by the Board before they are submitted to the Board and shall also exercise such other powers as may be delegated by the Board.

(2) The Audit Committee shall scrutinise proposals for increase of revenue, examine receipts and expenditure statements, consider all new propositions affecting finance and shall generally supervise the revenue and expenditure of the Board and perform such other functions as may be delegated by the Board.

(3) The Public Health Committee shall perform such duties and exercise such powers of the Board as may be delegated to it by the Board in regard to matters of public health and sanitation and shall give effect to the provisions of this Act and rules and regulations framed thereunder and may delegate any of its duties and powers to any member or officer of the Board. Such member or officer shall conform to any instructions that may, from time to time, be given by the Board. The committee may, at any time, withdraw any of the duties or powers so delegated.

(4) The Scheduled Castes Amelioration Committee shall watch over every Scheduled Castes amelioration work, save such work as may be excluded from its purview by an order of the Government in this behalf.

Other committees.

79. A District Board may appoint committees consisting of such members as it may decide for any purpose other than those specified in sections 77 and 78 and may invest each committee so appointed with such powers as may be necessary or expedient for the fulfilment of the purpose for which it is appointed; and every such committee, shall cease to exist on completion of the specific purpose for which it is appointed or at such time as may be determined by the District Board.

Procedure of committees.

80. (1) A District Board may frame regulations relating to election or appointment of members of committees, conduct of business therein, and all other matters relating to them.

(2) Every committee as mentioned in section 77 shall meet at least once a month.

(3) The Chief Executive Officer shall attend every meeting of every committee and shall be entitled to take part in discussions but not to vote or move motions.

(4) All Heads of Departments and District Officers of Government shall, ordinarily on the invitation of the President of a District Board, attend any meeting of the District Board or of any committee thereof, and to address such Board or committee on any matter under discussion affecting their respective departments and shall furnish their advice in such matters whenever desired by the Board or the committee.

Joint Committee.

81. (1) A District Board may, from time to time, concur with any other District Board or with any Municipal Council or with any Panchayet or with more than one such Board or Council or Panchayet in appointing, out of their respective bodies, a Joint Committee for any purpose in respect of which they are jointly interested, and in delegating to any such Joint Committee any power which might be exercised by either or any of the Boards or Councils or Panchayets concerned, and in framing or modifying regulations, as to the proceedings of any such Joint Committee.

(2) If any dispute arises between two or more local authorities acting under this section, the decision thereon shall rest with the Government:

Provided that the Government may delegate their power under this section to such officer in such matters

and to such extent as may be prescribed by rules framed in this behalf.

Acts of Boards, etc., not to be invalidated.

82. No act of a District Board, or of any committee, or of any person acting as a member or as a President, Vice-President, or Chairman or Chief Executive Officer shall be deemed to be invalid by reason only of some defect in the appointment of such Board, Committee, President, Vice-President, Chairman or Chief Executive Officer or member, or on the ground that they, or any of them, were disqualified for such office, or that formal notice of the intention to hold a meeting of the Board or Committee was not duly given, or by reason of such act having been done during the period of any vacancy in the office of the President, Vice-President or Chief Executive Officer or member of such Board or Committee, or for any other informality.

CHAPTER VIII.

FUNCTIONS OF DISTRICT BOARD.

Power of District Board to acquire and hold property and to contract.

83. Subject to the rules or orders made by the Government in this behalf consistently with this Act, every District Board shall have power to acquire and hold property, both moveable and immoveable, whether within or without the limits of the area over which it has authority, to lease, sell or otherwise transfer any moveable property which may have become vested in or been acquired by it and to contract and to do all other things necessary for the purposes of this Act:

Provided that no lease of immoveable property for a term exceeding seven years and no sale or other transfer of any such property, shall be valid unless such lease, sale or other transfer shall have been made with the previous sanction of the Government:

Provided also that nothing herein contained shall empower any District Board to raise loans except as provided for in section 114 and without the previous sanction of the Government.

Roads and other property of the old District Boards to vest in the District Boards constituted under this Act.

84. All roads, bridges, channels, buildings, and other property, moveable and immoveable, held by or under the control and administration of and all institutions committed to the management of the District Board in each district for the purposes of the Mysore District Boards Act, 1926, shall, for the purposes of this Act, be under the control, administration and management of the District Board of such district, subject to all rights, if any, existing over, and all debts, liabilities, and obligations, if any, affecting, such properties and institutions, provided that nothing herein contained shall empower the District Board to exercise any authority or control over the properties and institutions whose administration devolves on a Panchayet constituted under this Act.

Works constructed by District Board to be vested in it.

85. Every road, building or other work constructed by a District Board from the District Fund shall be vested in such Board, except such portion of the road as may lie within the area of a municipality.

Obligatory duties of District Boards.

86. (1) It shall be the duty of every District Board to make, subject to such exceptions and conditions as may from time to time be made or imposed by the Government in this behalf, reasonable provision for the following matters within the area under its jurisdiction and when effective provision cannot otherwise be made, outside that area :—

(i) construction, repair and maintenance of public roads and other means of communication which are not under the control of any other local body or of the Government ;

(ii) planting and preservation of trees on the sides of roads and other public grounds in its control ;

(iii) establishment, management, maintenance and inspection of hospitals, dispensaries, veterinary hospitals, markets, travellers' bungalows, musafirkhanas, rest-houses and other public institutions and the construction and repair of all buildings connected with these institutions ;

(iv) construction and repair of public wells, tanks and water works which serve more than one Panchayet, supply of water from them and from other sources and preservation from pollution of water for drinking and cooking purposes ;

(v) promotion of vaccination and the appointment and control of vaccinators;

(vi) measures necessary for the public health, sanitation and other local services affecting villages in different Panchayets and control of public health and sanitation during jatras or fairs and festivals;

(vii) management of such public ferries as may be entrusted to its charge;

(viii) maintenance of any building or other property vested in the Board under this Act;

(ix) formulation of annual programmes of rural development and Scheduled Castes upliftment work in the District for the approval of the Government;

(x) organisation of conferences, training centres, agricultural and industrial exhibitions for the benefit of the rural areas;

(xi) organisation and maintenance of rural publicity and propaganda;

(xii) spread, and encouragement of social education work in the district;

(xiii) control of fairs, festivals and shandies; and

(xiv) such other matters as may be entrusted to the District Board by the Government from time to time.

(2) A District Board may, subject to regulations made in this behalf, entrust to a Panchayet within the district the right to establish and ply ferries.

Discretionary duties of District Boards.

87. A District Board may, in its discretion,—

(A) (1) provide for the registration of births and deaths within the district subject to such conditions as the Government may impose in this behalf;

(2) with the sanction of the Government from time to time, guarantee the payment from the District Fund of such sums as it shall think fit as interest on capital expended on any works which may directly improve the means of communication within the district or between the district and other districts;

(3) encourage and develop co-operative societies in the district;

(4) promote development of economic conditions with special reference to agriculture, industry and commerce;

(5) encourage local arts and industries and grant loans for this purpose, subject to such rules as may be made in this behalf by the Government;

(6) take measures for improvement of cattle;

(7) provide motor and other transport facilities for the carriage of the public or guarantee from the District Fund such sums as the District Board shall think fit as interest on capital expended by the Government or a company for this purpose and grant loans for providing capital for this purpose;

(8) provide accommodation for any class of servants employed by the District Board or belonging to any institution to which the Board makes regular grants and grant loans to such servants for construction of houses, subject to such rules and conditions as may be made by the Government in this behalf; and

(B) with the previous approval of the Government—

(1) organise and maintain in time of famine or scarcity, relief and local relief works and shops or stalls for the sale of necessary supplies;

(2) contribute towards any public fund raised for the relief of human suffering within or without the area under the authority of the District Board;

(3) by a resolution passed at a meeting and supported by one-half of the whole number of members of the District Board, arrange for any public reception, ceremony or entertainment;

(4) establish and maintain middle and high schools, industrial and trade or occupational institutions in the district;

(5) undertake any other measure not hereinbefore specially named to promote the public health, safety or convenience, material or moral development of the people or which is necessary for the carrying out the purposes of this Act, expenditure whereon is resolved by the District Board by the votes of not less than one-half of the whole number of members of the District Board to be an appropriate charge on the District Fund.

District Board may, with the consent of owners, take over and repair works.

88. A District Board may enter into an agreement with the person in whom the property in any road, bridge, tank, ghat, well, channel or drain is vested to take over the property therein, and after such agreement may declare, by notice in writing put up thereon, or near thereto, that such road, bridge, tank, ghat, well, channel or drain has been transferred to the District Board. Thereupon, the property therein shall be vested in the District Board, and such road, bridge, tank, ghat, well, channel or drain shall thenceforth be repaired and maintained out of the District Fund.

Government may place roads and other property under District Board.

89. It shall be lawful for the Government from time to time to direct that any road, bridge, channel, building or other property, moveable or immoveable, which is vested in the Government and which is situated within a district, shall, with the consent of the District Board of such district, and subject to such exceptions and conditions as the Government may make and impose, be placed under the control and administration of the District Board for the purposes of this Act and thereupon such road, bridge, channel, building or other property shall be under the control and administration of the Board, subject to all exceptions and conditions so made and imposed and to all charges and liabilities affecting the same.

Power of Government to resume property.

90. It shall be competent to the Government from time to time by notification in the *Mysore Gazette* to resume any property placed under the control of a District Board under section 89, on such terms as the Government may determine with the consent of the Board.

District Boards may undertake construction, repair and maintenance of Government buildings.

91. It shall be lawful for a District Board from time to time to undertake, on behalf of the Government and upon such conditions as may be agreed upon, the construction, repair and maintenance of any public building or other work which is the property of the Government:

Provided that the cost of such construction, repair and maintenance shall be defrayed by the Government.

Other duties of District Boards.

92. Every District Board shall render such technical assistance as may be available with it and as may be required by the Village Panchayets within the District free of cost and it shall be lawful for a District Board to supplement works of development undertaken by a Panchayet within the district by taking up schemes which are beyond the powers of the Panchayets to execute.

Powers to turn, divert, discontinue or close road.

93. A District Board may, with the sanction of the Government, turn, divert, discontinue or permanently close any road which is under the control and administration of, or is vested in, the District Board.

Power to permit temporary occupation or use of roads and lands vested in the Board.

94. Subject to regulations made in this behalf, the Chief Executive Officer of a District Board may permit the temporary occupation or use of any road or land vested in the Board for the erection of pendals or for any other lawful purpose.

Control of unwieldy traffic.

95. It shall be lawful for a District Board, subject to such rules as may be prescribed by the Government in this behalf and to the regulations framed by the District Board, to notify that any road vested in it shall not be used by any vehicle (not being a motor vehicle duly licensed under the provisions of the Mysore Motor Vehicles and Road Traffic Act, 1944, for the time being in force) of such form, construction, weight or size, or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or to any construction thereon, or risk or obstruction to other vehicles or to pedestrians except under a license issued by the Chief Executive Officer and in accordance with the rules framed by the Government from time to time as regards speed, time, fees, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions.

(Chapter VIII—Functions of District Board)

Public ferries.

96. (1) A District Board may, subject to such rules as may be prescribed by the Government, establish public ferries for the conveyance of passengers, vehicles, animals and goods.

(2) No public ferry shall, after the commencement of this Act, be newly established or closed without the sanction of the Board and no person shall keep open a public ferry which has been entrusted to the charge of the District Board without a licence from the District Board.

(3) Whoever contravenes the provisions of this section shall, on conviction by a magistrate, be punished with fine which may extend to five hundred rupees.

Establishment of market, etc.

97. (1) No market and no jatras, fairs, agricultural and cattle shows and exhibitions except those which are managed by Muzrai and other officers authorised by the Government in this behalf, shall be newly established in any area under the authority of a District Board or a Panchayet without the previous sanction of the Government which, in respect of an application by a Panchayet, will be accorded after previous consultation with the District Board concerned.

(2) The grant of permission under sub-section (1) shall be subject to such conditions, and restrictions as the Government may lay down generally or specially in the case of any particular institution or class of institutions.

(3) Whoever contravenes the provisions of this section shall, on conviction by a magistrate, be punished with fine which may extend to five hundred rupees.

(4) If any question arises whether any place is a market or not, the Panchayet or the District Board concerned shall make a reference to the Government and the decision of the Government thereon shall be final.

Regulation of certain trades.

98. Subject to the provisions of section 31, it shall be lawful for a District Board to notify that no place within the area under its authority shall, after sixty days from the date of such notification, be used for any one or more of the purposes specified in Schedule V, without a license from the President of the Board and except in accordance with the conditions specified therein.

Grant of licenses.

99. (1) All applications for licenses and permissions under this Part may be disposed of by the Chief Executive Officer of the District Board who may suspend or cancel a license granted for default of any of the conditions subject to which it was issued or given. When a license is granted, refused, suspended or cancelled by the Chief Executive Officer, any person aggrieved by his order, shall have the right of appeal to the Board within three months from the date of such order.

(2) A license under this Part shall be granted only on payment in advance of a fee at such rates as may be prescribed.

(3) Whoever keeps open or uses, without a license or after a license is suspended or cancelled, any place for any purpose for which a license is required under this Part shall, if not punishable under any other section of this Act, be punished, on conviction by a magistrate, with a fine which may extend to one hundred rupees. He may also be punished with further fine which may extend to twenty-five rupees for every day on which such act is continued after the date of conviction, or any subsequent date as may be fixed by the magistrate.

Prosecution for offences.

100. The Chief Executive Officer may, if authorised by the Board, prefer complaints in respect of any public nuisance and may take proceedings for the recovery of any penalty and for the punishment of any person offending against the provisions of this Act or of any rule or regulation thereunder and the expenses of such prosecution or other proceeding shall be paid out of the District Fund :

Provided that no prosecution for an offence under this Act or under any rule or regulation thereunder, shall be instituted except within six months next after the commission of such offence.

Jurisdiction of magistrates.

101. Any prosecution under this Part or under any rule or regulation relating to District Boards made under this Act may be instituted before any magistrate and every fine or penalty imposed under or by virtue of this Act or any regulation thereunder, and also all claims to compensation or other expenses, for the recovery of which no special provision is otherwise made in this Act, may be recovered, on application to such magistrate,

by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimed.

Power to compromise and compound offences.

102. (1) A District Board may—

(*a*) compromise with any person who, in the opinion of the District Board, has committed an offence punishable under this Act or any rule or regulation thereunder and on such compromise, no proceedings shall be taken against such person in respect of such offence ;

(*b*) withdraw from prosecutions instituted under this Act or under any bye-law thereunder;

(*c*) compound any offence against this Act or any rule or regulation made thereunder, which may, by rules made by the Government, be declared compoundable :

Provided that the Government may make rules to regulate the proceedings of persons empowered to compound offences under this section.

(2) Sums paid by way of composition under this section shall be credited to the District Fund.

Damage to any District Board property how made good.

103. If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Act, any damage to the property of any District Board, shall have been caused by such person, he shall be liable to make good such damage as well as to pay such penalty, and the value of the damage shall, in case of dispute, be determined by the magistrate by whom the person incurring such penalty is convicted. Such value shall be recoverable in the manner provided under Chapter X.

CHAPTER IX.

FINANCE.

District Fund, its custody and investment.

104. (1) There shall be in each district, a fund which shall be called the District Fund, and be administered by the District Board of the district.

(2) It shall be lawful for a District Board to deposit at interest with the Government Savings Bank or with the sanction of the Government, in any Bank in the State, any surplus funds in its hands which may not be required for current charges and with the like sanction, invest such funds in securities of the Government of India or of the Government of Mysore or in such other securities as the Government may, from time to time, approve in this behalf, and vary such investment or dispose of such securities with the like sanction.

(3) The District Fund over and above what is invested as provided for in sub-section (2), shall be kept in the Government Treasury of the district.

Composition of District Fund.

105. The following shall form part of, or be paid into the District Fund :—

(i) the balance of the District Fund and of the Rural Development Fund, if any, at the commencement of this Act;

(ii) all rates, cesses, tolls, fees and penalties paid to or levied by or on behalf of the District Board under this Act, and all fines imposed by a Magistrate under this Act or the regulations framed thereunder ;

(iii) all rents from lands or other properties of the District Board;

(iv) all interest, profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise ;

(v) all proceeds of land and other property sold by the District Board including sale proceeds of grass and of the produce of trees not vested in private individuals on the sides of roads and on other public ground under the control and administration of the District Board and of timber fallen or felled therefrom ; and

(vi) all sums received by or on behalf of the District Board by virtue of this or any other Act.

Levy of local cess.

[1][**105-A.** (1) The Government shall levy a local cess at a rate of one anna in the rupee on all items of land revenue and forest revenue and may, on the request of any District Board, levy the local cess within the jurisdiction of that

1. Inserted by Act XXVIII of 1952.

District Board, at a rate not exceeding two annas in the rupee on all or any of the said items of revenue.

(2) The levy and collection of the local cess shall be made in such manner as may be prescribed.]

Government to assign to District Boards certain revenues.

106. (1) The Government shall assign to a District Board an amount equal to six and a one-fourth per cent of [1][the net land revenue] collected in the area within the jurisdiction of the District Board.

(2) The Government shall also assign to all the District Boards in the State an amount equal to six and a one-fourth per cent of [the net land revenue] collected in the State, the amount to be allotted to each District Board being such as the Government may from time to time determine.

[2][*Explanation.*—For determining the net land revenue collected for purposes of assignment to the District Boards under sub-sections (1) and (2), the cost of collection calculated in the prescribed manner and charges on irrigation, collected as water rate or other charge, shall be excluded from the gross amount collected]

[1][(3) The Government shall further make over to every District Board the following amounts, namely—

(*a*) an amount equal to one-seventeenth of the excise revenue collected in the area within the jurisdiction of the District Board excluding the cost of collection; and

(*b*) an amount equal to the entire local cess collected under section 105A in the area within the jurisdiction of the District Board excluding the cost of collection.

Explanation.—In this sub-section 'excise revenue' means the revenue derived from such items as may from time to time be determined by the Government.]

(4) The amounts assigned and made over to a District Board under sub-sections (1), (2) and (3) may be credited to the District Fund once every year in such manner as may be prescribed.

* * * *

1. Substituted by Act XXVIII of 1952.
2. Inserted by Act XXVIII of 1952.
3. Sub-section (5) of section 106 omitted by Act XXVIII of 1952.

Assignment of portions of other revenues to District Fund.

107. (1) Such portion of the following taxes, namely :—

(i) vehicle tax ;

(ii) road tax on lorries, buses and vehicles ;

(iii) service tax ; and

(iv) revenue on registration of immovable properties within the local limits of the District Board,

as may be assigned from time to time, by the Government to the District Board shall form part of and be paid into the District Fund.

(2) Out of the portion of revenue assigned to District Boards under this section, each District Board shall be entitled to a part which is in the same proportion to the total amount so assigned as the length of the roads within the district, bears to the total length of roads within all the District Boards in the State.

District Board property and District Fund how to be applied.

108. All property vested in the District Board under this Act, and all funds received by it in accordance with the provisions of this Act, and all sums accruing to it under the provisions of any law for the time being in force, shall be applied for expenditure as provided for in this Act :

Provided that all sums made over to or realised by a District Board for any specific purpose shall be applied solely for that purpose.

Application of District Fund and property.

109. The District Fund and all property held by or vested in the District Board under this Act, shall be applied subject to the provisions of this Act, for the payment of—

(*a*) travelling allowances to members of the District Board or any committee thereof, subject to such rules as may be made in this behalf by the Government ;

(*b*) the salaries, allowances, pensions and gratuities of its officers and servants ;

(*c*) any amounts falling due on any loans contracted by the Board ;

(*d*) expenses incurred—

(i) for holding elections to the District Board under this Act ;

(ii) for the purposes specified in this Act ; and

(iii) all other purposes for which by or under this Act or the rules or regulations thereunder or any other law for the time being in force, powers are conferred or duties imposed upon the District Board; and

(iv) with the previous sanction of the Government, for any other purpose for which the application of such property or fund is necessary in the public interest:

Provided that any funds granted to the District Board by the Government or any person or local authority for any specific work or purpose shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may lay down, either generally or specifically in this behalf.

Rents and fees.

110. Subject to the regulations made in this behalf, a District Board may charge fees for any permission issued under this Act and levy rents and fees for the occupation or use of any road, land or other property placed under its control or vested in it or maintained out of the District Fund.

Agency for collection.

111. The local cess shall be collected by the departmental Government officers or establishments concerned, along with the principal items of revenue on which the cess is leviable. All other items of revenue shall be collected by such agency as the District Board appoints in this behalf with the approval of the Government, provided that it shall be lawful for a District Board to lease the right to levy tolls or any fee that may be imposed under this Act by public auction, subject to the rules prescribed, and the amount due under such lease shall be recoverable in the manner provided in Chapter X.

Power to expel persons who refuse to pay fees.

112. When any fee has been imposed under section 110 or the right to collect it has been leased under section 111, any person employed by the District Board or by the lessee to collect such fees may, subject to the conditions of the lease, collect the fee or expel from the place for the use of which the fee is payable, any person who is liable to pay the fee but refuses to pay it.

District Board may raise loans and may form a sinking fund.

113. It shall be lawful for a District Board, with the previous sanction of the Government and subject to the conditions imposed by them, from time to time, to raise loans for the execution of any work or for the purpose

of carrying out any of the provisions of this Act and to form a sinking fund for the repayment of such loans.

Grant of loans to encourage local arts and industries.

114. Subject to the rules that may be made by the Government from time to time, a District Board may grant loans from the District Fund to encourage local arts and industries and recover the same in the manner provided in Chapter X.

Contribution to expenditure incurred by the Government and power to make grants-in-aid.

115. Subject to the previous sanction of the Government, a District Board may make grants-in-aid to any medical, educational or charitable institution or any other institution of public utility, within or without the area under its authority, whether it be under public or private management.

Arrangement purporting to be binding permanently or for a term of years.

116. When a District Board has entered into any arrangement, or made any promise, purporting to bind itself or its successors for a term of years or for an unlimited period, to continue to any institution a yearly contribution from its property or from the District Fund, it shall be lawful for the District Board or its successors, with the sanction of the Government, to cancel such arrangement or promise, or to discontinue or to diminish such contribution, provided that it shall have given at least one year's notice of its intention so to do to the manager or managers of such institution.

Prohibition of expenditure not budgeted for.

117. Except as hereinafter provided, no payment of any sum shall be made out of the District Fund unless the expenditure of the same is covered by a budget grant, provided that the following items shall be excepted from this prohibition, namely :—

(*a*) Refunds of taxes and other moneys which the District Board is authorised by this Act or the rules made thereunder to make ;

(*b*) Repayments of moneys belonging to the contractors or other persons held in deposit and of moneys collected or credited to the District Fund by mistake ;

(*c*) Sums which the District Board is required or empowered by this Act to pay by way of compensation ;

(*d*) Every sum payable,

(i) under this Act by order of the Deputy Commissioner or by order of the Government,

(ii) under a decree or order of a civil court passed against the District Board,

(iii) under a compromise of any suit or other legal proceedings or claim ;

(*e*) Expenses incurred in the exercise of power conferred by regulations made under section 174 ;

(*f*) All contributions payable by the District Board to the Government for the maintenance of water-supply, dispensaries and other institutions managed by the Government on behalf of the District Board or on behalf of any other local authority or authorities.

Presentation of accounts.

118. (1) The Standing Committee shall have prepared and laid before the District Board at its ordinary meetings complete accounts of the receipts and expenditure of the District Board since the first day of April last preceding and at a meeting which shall be held between the first day of November and the first day of January, a complete account of the actual and expected receipts and expenditure for the official year ending on the thirty-first day of March next following, together with a budget estimate of the income and expenditure of the District Board for the official year to commence on the first day of April next following.

(2) The District Board shall thereupon decide upon the appropriations and the ways and means contained in the budget of the year to commence on the first day of April next following. The budget as passed by the District Board shall be sent for approval to the Government through the Commissioner before such date as may be fixed by the Government.

If the budget is not returned by the Government within two months of the receipt thereof by the Government, the budget should be presumed to have been approved by the Government.

(3) In such budget estimate, the District Board shall, among other things—

(*a*) make adequate and suitable provision for such services as may be required for the fulfilment of the several duties imposed on the District Board by this Act or any other law ;

(*b*) provide for the payment, as they fall due, of all instalments of principal and interest for which the District Board may be liable in respect of loans contracted by it ;

(*c*) provide for the payment of all sums payable to the Government under section 76 and of all contributions for the maintenance of water-supply, dispensaries, schools and other institutions or services managed by the Government on behalf of the District Board and on behalf of any other local authority or authorities;

(*d*) allow for a balance at the end of the said year of not less than such sum as may, from time to time, be fixed by the Government generally for all District Boards or specially for any District Board.

(4) If the budget as submitted fails to make adequate provision for the obligatory duties of the District Board and is not otherwise in conformity with this Act, the Government may, in according sanction, modify any part of the budget so as to ensure that such provision is made and that the budget is in conformity with the Act.

Revision of budget.

119. If, in the course of the official year, the District Board finds it necessary to modify the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may do so, provided that, without the approval of the Government—

(*a*) no reduction shall be made in the amounts allotted for the several items specified in clauses (*b*) and (*c*) of sub-section (3) of section 118; and

(*b*) the closing balance shall not be reduced below the sum fixed under clause (*d*) of sub-section (3) of section 118.

Maintenance of accounts and restriction on expenditure.

120. (1) Accounts of the income and expenditure of the District Fund shall be kept in accordance with the rules prescribed in this behalf.

(2) Expenditure from the District Fund shall, save as otherwise expressly provided for in this Act, be incurred subject to the restrictions, conditions and limitations imposed in the rules prescribed in this behalf.

(3) The District Board shall, at the first general meeting held after the audit of the past official year's accounts, pass such accounts.

Audit of accounts.

121. (1) The District Fund accounts shall, from time to time, and once in every year at least, be audited by an auditor appointed by the Government and, with the previous sanction of the Government, also by such other agency, if any, as may be appointed by the District Board.

(2) The auditor or auditors shall, for the purposes of audit, have access to all the accounts and other records of the District Board.

(3) The District Board shall pay from the District Fund such charges for the audit as may be agreed upon and in the case of a Government auditor, such charges as may be prescribed by the Government.

Powers of Government auditor.

122. The Government auditor may—

(*a*) by written requisition require the production before him of any document which he may consider necessary for the proper conduct of his audit;

(*b*) by written requisition, require any person accountable for or having the custody or control of, any such document to appear in person before him; and

(*c*) require any person so appearing before him to make and sign a declaration with respect to such document or to answer any question or prepare and submit any statement.

Duties of Government auditor.

123. (1) The Government auditor shall—

(*a*) as soon as may be after the completion of the audit, deliver to the Standing Committee a report upon the audit of the District Fund accounts;

(*b*) report to the Standing Committee and to the Commissioner any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of money due to the District Board or in the District Fund accounts; and

(*c*) report to the Standing Committee and to the Commissioner any loss or waste of money or other property owned by or vested in the District Board caused by neglect or misconduct, with the names of persons directly or indirectly responsible for such loss or waste.

Standing Committee to remedy defects.

(2) The Standing Committee shall forthwith remedy any defects or irregularities that may be pointed out by the auditor.

Disallowance by Government auditor and order by Commissioner.

124. (1) The Government auditor shall disallow every item contrary to law and report the same to the Commissioner with particulars as regards the person making, or authorising the making of, the illegal payment.

(2) The Commissioner may, on the report of the auditor or on his own motion, pass an order charging any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been, but is not brought into account by that person after affording him an opportunity to explain and shall, in every such case, certify the amount due from such person.

(3) The Commissioner shall state in writing the reasons for his decision in respect of every charge and furnish a copy thereof to the person against whom it is made.

Appeal against the order.

125. Any person aggrieved by the order of the Commissioner under the last preceding section may, within one month after he has received or been served with the decision of the Commissioner, either apply to the principal civil court of original jurisdiction to set aside such charge, and the court, in such case after taking such evidence as is necessary, may confirm, modify or remit such charge, with such orders as to costs as it may think proper in the circumstances; or in lieu of such application, the person so aggrieved may, within the like period, appeal to the Government who shall pass such orders as they think fit.

Recovery of amounts disallowed.

126. Every sum certified to be due from any person by the Commissioner under this Act shall be paid by such person to the District Board within one month after the intimation to him of the said decision, unless within that time such person has appealed to the court or to the Government against the decision; and such sum, if not so paid, or such sum as the court or the Government shall declare to be due, shall be recoverable by the Deputy Commissioner as an arrear of land revenue along with the necessary expenses of such recovery and shall be credited to the District Fund.

Transmission of accounts to Government.

127. The District Board shall, as soon as the annual accounts have been finally passed by it, transmit to the Government, or any officer duly authorised by it in

this behalf, a copy thereof, or an account in the form prescribed in this behalf, and shall furnish such details and vouchers relating to the same as the Government or such officer may, from time to time, direct.

Annual Administration Report.

128. (1) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Government, the President shall submit to the Government through the Commissioner, a report on the administration of the Board during the preceding official year in such form and with such details, as the Government may direct, with the resolution of the District Board thereon.

(2) The report may be published in such manner as the District Board, subject to the approval of the Government, may direct.

CHAPTER X.

RECOVERY OF DUES.

Notice of demand for fee, cess or other dues.

129. (1) When any sum not being a toll payable on demand—

(*a*) which by or under the provisions of this Act, is declared to be recoverable in the manner provided by this Chapter, or

(*b*) which is claimable as a fee, cess or other due under this Part or any rule or regulation under this Act,

shall have become payable and remains unpaid ten days after the same is due, the Chief Executive Officer of the District Board, or some person duly authorised by the President in writing in this behalf, may serve upon the person or persons liable to pay such sum, a notice in writing in the prescribed form.

Distress.

(2) If such person does not, within fifteen days from the service of such notice of demand upon him, pay the sum due, or show cause to the satisfaction of the Chief Executive Officer why the same should not be paid, the Chief Executive Officer or other person duly authorised by the Chief Executive Officer in writing in this behalf, may recover such sum, with all costs, by distraint and sale of the moveable property of the defaulter.

Warrant for distraint.

130. In order to effect the distraint and sale of property under sub-section (2) of section 129, the Chief Executive Officer or other officer duly empowered by him in this behalf, shall issue a warrant in the prescribed form and for each such warrant, a warrant fee of two annas shall be leviable.

Inventory and sale.

131. The Chief Executive Officer or other person duly authorised as aforesaid, shall make an inventory of the property distrained, a copy of which shall, on demand, be delivered to the defaulter or any person on his behalf, and if the amount due is not paid within fifteen days after distraint, the property may be sold.

Receipts to be given for all payments of fees, etc.

132. The Chief Executive Officer of the District Board shall give or cause to be given to every person making payment of a toll, fee, cess or other dues, a receipt therefor signed by him or some person duly authorised by him in that behalf. Such receipt shall specify—

(1) the date of the grant thereof,

(2) the name of the person by whom it is granted,

(3) the toll, fee, cess or other dues in respect of which the payment has been made,

(4) the period for which the payment has been made, and

(5) the amount in respect of which it is granted.

Conditions of distraint and sale.

133. (1) Whenever, under the provisions of this Part any property is distrained, seized or sold in consequence of the non-payment of any fee, cess or other dues, not being a toll, such distraint, seizure and sale shall be effected subject to the provisions of the following sub-sections and of section 62 of the Code of Civil Procedure.

Exemption from distraint and sale.

(2) All such property as is by the Code of Civil Procedure exempted from attachment or sale in execution of a decree shall be exempt from distraint or sale under this section.

(3) The distress shall not be excessive, that is to say, the property distrained shall be, as nearly as possible, proportionate to the amount due on account of the fee, cess or other dues and distraint fee and the probable expenses incidental to the detention and sale of the said property.

(4) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with the amount due, in the opinion of the person seizing the property, exceed its value, the said person shall, immediately after seizure of such property, give notice to the person in whose possession it was when seized, to the effect that it will be sold at once, and shall sell it accordingly unless the amount due is forthwith paid. Perishable property.

(5) Any surplus that may remain after deducting the amount of the fees, cesses or dues and of the said expenses, including the expenses of the sale, shall be returned on demand if made within six months to the owner of the property, or if no demand be made within such period, shall be credited to the District Fund. Surplus sale proceeds.

(6) If any claim be set up by a third person to moveable property distrained under the provisions of this Chapter, the President shall admit or reject the claim on a summary enquiry held after reasonable notice. If the claim be admitted wholly or partly, the property shall be dealt with accordingly. Except in so far as it is admitted, the property shall be sold and the title of the purchaser shall be good for all purposes, and the proceeds shall be disposed of as hereinbefore directed:

Provided that nothing in this sub-section shall be deemed to bar the claimant or any person having any interest in the property distrained, from seeking relief in a civil court having jurisdiction.

134. All arrears of fees, cesses and other sums due to a District Board at the time of the commencement of this Act, may be recovered by the District Board having authority over the district as though they had accrued under this Act. Recovery of arrears at the commencement of the Act.

135. Nothing herein contained shall preclude the institution of a suit for any amount due under this Act. Civil suit not barred.

136. No distraint shall be made and no suit shall be instituted in respect of any sum due to the District Board under this Act other than cesses collected under section 111 after the expiration of a period of three years from the date on which such distraint might have been made or suit might have been instituted, as the case may be, in respect of such sum. Recovery of amount due by suit not precluded.

PART IV—GENERAL.

CHAPTER XI.

CONTROL.

Commissioner for Local Self-Government.

137. (1) The Commissioner for Local Self-Government appointed by the Government shall be the chief controlling authority in respect of all matters relating to the administration of Village Panchayets and District Boards.

(2) The Government may, by notification in the *Mysore Gazette*, delegate to the Commissioner all or any of their powers under this Act except the power to make rules.

Annual report of working of Panchayets.

138. The Deputy Commissioner or such other officer as may be prescribed, shall submit annually to the Commissioner, a consolidated report on the working of the Panchayets of the district in such form as the Government may, from time to time, prescribe, and the Commissioner shall review the report and submit a copy of his review for the information of the Government.

Powers of Deputy Commissioner over Panchayets.

139. The Deputy Commissioner, or such other officer as may be prescribed, may, by order in writing, require any Panchayet in his district to perform any duty, whether obligatory, discretionary or delegated under this Act, annul any proceedings which he considers to be not in conformity with law and may do all things necessary to secure such performance or conformity: provided that when the duty required to be performed is discretionary or delegated, an appeal shall lie to the Commissioner from the order of the Deputy Commissioner.

Deputy Commissioner to have access to books, etc., of Panchayets.

140. (1) The Deputy Commissioner, or such other officer as may be prescribed, shall have access to all books, proceedings and records of every Panchayet within their respective jurisdictions.

(2) Any officer authorised by the Deputy Commissioner in this behalf, shall have power to inspect and examine the books, proceedings and records of a Panchayet or Panchayets in the district.

(Chapter XI—Control)

Deputy Commissioner may inspect, call for reports, etc., from Panchayets.

141. The Deputy Commissioner, or such other officer as may be prescribed, shall, in respect of Panchayets within his jurisdiction, have power at all times—

(*a*) to enter on and inspect or cause to be entered on and inspected, any immoveable property occupied by, or any work in progress under the orders of, or any institution controlled by a Panchayet ;

(*b*) to call for and inspect, for the purposes of the Act, any document which may be in the possession or under the control of a Panchayet; and

(*c*) to require the Panchayet to furnish such statements, accounts and reports as he thinks fit.

Powers of Deputy Commissioner to provide for performance of obligatory functions of Panchayets.

142. (1) When the Deputy Commissioner, or any officer prescribed in this behalf, is informed on complaint made or otherwise, that a Panchayet in the district has made default in performing any duty under section 23 and is satisfied after due enquiry that the Panchayet has been guilty of the alleged default, he may, by an order in writing, fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Deputy Commissioner or such other officer may appoint some person to perform it, and may direct that the expense of performing it with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the Panchayet.

(3) If the expense and the remuneration are not so paid, the Deputy Commissioner or such other officer, may make an order directing the person having the custody of the Panchayet Fund to pay the expense and remuneration and such person shall be bound to comply with such order.

(4) A copy of the order passed under sub-sections (1), (2) and (3) shall, if passed by an officer other than the Deputy Commissioner, be sent to the Deputy Commissioner as soon as it is passed and if passed by the Deputy Commissioner to the Commissioner as soon as it is passed, and it shall be within the discretion of the Deputy Commissioner or the Commissioner, as the case may be, to rescind or to modify the order.

Power of Deputy Commissioner to suspend execution of or prohibit certain acts by Panchayet.

143. (1) If, in the opinion of the Deputy Commissioner or such other officer as may be prescribed in this behalf, the execution of any order or resolution of a Panchayet in the district or the doing of any act which is about to be done, or is being done, in pursuance of or under cover of this Act, is likely to cause injury or annoyance to the public or to any class or body of persons, or to lead to a breach of the peace, he may, by order in writing, suspend the execution or prohibit the doing thereof.

(2) When an officer other than the Deputy Commissioner makes any order under this section, he shall forthwith forward a copy of the order to the Deputy Commissioner together with a statement of reasons for making it and when the Deputy Commissioner makes any such order, he shall forward a copy of the order and the statement to the Commissioner and it shall be in the discretion of the Deputy Commissioner or the Commissioner, as the case may be, to rescind the order or to direct that it shall continue in force with or without modification permanently or for such period as he thinks fit.

Powers of Deputy Commissioner over Panchayets in cases of emergency.

144. (1) In cases of emergency, the Deputy Commissioner or any officer prescribed in this behalf, may provide for the execution of any work, or the doing of any act, which a Panchayet in the district is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the safety of the public. He shall forthwith communicate his order with the reasons therefor to the Panchayet and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or to do it, shall be forthwith paid by the panchayet.

(2) If the expense and the remuneration are not so paid, the Deputy Commissioner or such other officer may make an order directing the person having the custody of the Panchayet Fund to pay the expense and remuneration.

(3) Where the Deputy Commissioner uses powers given under this section, he shall report forthwith to the Commissioner every such case and where any officer other than the Deputy Commissioner does so, he shall forthwith report to the Deputy Commissioner.

Supersession of Panchayets.

145. (1) If a Panchayet is not competent to perform, or persistently makes default in the performance of the duties

imposed on it by or under this Act or by or under any law, or exceeds or abuses its powers, the Deputy Commissioner of the District may, after giving such Panchayet an opportunity of being heard, declare, by an order published in the *Mysore Gazette*, with the reasons for making it, the Panchayet to be incompetent or in default or to have exceeded or abused its powers as the case may be, and supersede it for a period to be specified in the order.

(2) When a Panchayet is so superseded, the following consequences shall ensue:—

(*a*) all members of the Panchayet shall, as from the date of the order, vacate their office as such members;

(*b*) all powers and duties of the Panchayet may, during the period of supersession, be exercised and performed by such person or persons as the Deputy Commissioner, from time to time, appoints in that behalf;

(*c*) where a Panchayet is superseded, all property vested in it shall, during the period of supersession, vest in the Deputy Commissioner subject to all rights over, and all debts, liabilities and obligations, if any, affecting that property.

(3) On the expiration of the period of supersession specified in the order, the Panchayet shall be re-established by election and the persons who vacated their office under clause (*a*) shall not be deemed disqualified for election.

(4) If, after enquiry made, the Deputy Commissioner so directs, the period of supersession with all the consequences aforesaid shall, from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Deputy Commissioner for the re-establishment of the Panchayet:

Provided that such supersession shall not continue for more than one year at a time.

(5) An appeal shall lie to the Commissioner from an order of the Deputy Commissioner under this section.

(6) A further appeal shall lie to the Government from an order of the Commissioner passed under this section.

Appeals from orders of or relating to Panchayets.

146. (1) Save as otherwise provided for in this Act, an appeal shall lie from an order of the Panchayet to the Deputy Commissioner of the district or to such other officer as may be prescribed and shall be preferred within thirty days of the date of publication or communication of the order. The decision of the Deputy Commissioner shall be final.

(2) Appeals to the Commissioner or the Government when expressly allowed under this Act, in respect of Panchayets shall be preferred within ninety days of the date of publication or communication of the order from which the appeal is made.

Disputes between Panchayets.

147. (1) If a dispute arises between two or more Panchayets in the same taluk, the matter shall be referred to the Deputy Commissioner or such other officer as may be prescribed in this behalf for decision.

(2) If a dispute arises between two or more Panchayets which are within the same district but which are in different taluks, the matter shall be referred to the Deputy Commissioner and the decision of the Deputy Commissioner thereon shall be final.

(3) If a dispute arises between two or more Panchayets in different districts, the matter shall be referred to the Commissioner for decision and the decision of the Commissioner thereon shall be final.

Disputes between a municipal council and a Panchayet.

148. (1) If a dispute arises between a municipal council not being a City Municipal Council and a Panchayet within the same district, the matter shall be referred to the Deputy Commissioner; and the decision of the Deputy Commissioner thereon, shall be final.

(2) If a dispute arises between a City Municipal Council and a Panchayet or between a Municipal Council and a Panchayet in different districts (or between a District Board and a Panchayet) the matter shall be referred to the Government; and the decision of the Government thereon shall be final.

Panchayets within town or sanitary board areas.

149. Where a Panchayet has been established under this Act, for a village or villages under the control of a Town or Sanitary Board, constituted under any law for the time being in force, the powers that may be exercised by a

Deputy Commissioner shall be exercised by such other person or persons as may be prescribed :

Provided that nothing in this Act shall affect the powers that are exercised by a Town or Sanitary Board in respect of the control of epidemics in the area under its control.

Power of Government to call for records in the case of appeals decided by Commissioner.

150. (1) When any matter has been decided by the Commissioner on appeal under sub-section (2) of section 43, section 139 or sub-section (5) of section 145, or sub-section (4) of section 164 or on reference under sub-section (3) of section 147, the Government may, for the purpose of satisfying themselves as to the correctness, legality or propriety of his order, call for the connected records and may, in doing so, direct that pending the examination of the records, such order be held in abeyance.

(2) On examining the records, the Government may reverse or modify the order of the Commissioner as they deem fit.

Power of Government to amend proceedings of District Boards.

151. The Government may, by order in writing, amend any proceedings or resolutions of a District Board which they consider to be not in conformity with the provisions of this Act and the rules or regulations in force thereunder, and may do all things necessary to secure such conformity.

Inspection of offices of District Boards.

152. Subject to such rules as the Government may from time to time frame in this behalf, the Commissioner shall have power—

(*a*) to inspect the office of any District Board ;

(*b*) to call for records of any District Board,

either on his own motion or on the application of an aggrieved party and to submit the same with his opinion to the Government for such orders as they deem fit to pass, if he is satisfied that the order or proceeding of the District Board or its executive is contrary to law.

Commissioner's power of supervision.

153. (1) The Commissioner shall have power to supervise the proceedings of the District Boards and of the several committees of the District Boards and in the exercise of that power, may (among other things),—

(*a*) enter on and inspect or cause to be entered on and inspected, any immovable property occupied by

the District Board or a committee or any work in progress under its direction ; and

(*b*) call for and inspect for the purposes of this Act any document which may be in the possession or under the control of a District Board or a committee ; and

(*c*) require the District Board or a committee to furnish such statements, accounts and reports as he thinks fit.

(2) Where a Joint Committee is appointed by the District Boards of two or more districts, the Commissioner may exercise a like power in respect of the proceedings of that committee.

Powers to suspend execution of orders, etc.

154. (1) If, in the opinion of the Commissioner, the execution of any order or resolution of a District Board or a committee, or the doing of any act which is about to be done, or is being done, in pursuance of or under cover of this Act, is likely to cause injury or annoyance to the public or to any class or body of persons or to lead to a breach of the peace or is unlawful, he may, by order in writing, suspend or prohibit the execution thereof.

(2) When the Commissioner makes any order under this section, he shall forthwith forward to the Government a copy of the order, with a statement of the reasons for making it, and it shall be in the discretion of the Government, after affording the Board reasonable opportunities for stating its case, to rescind the order, or to direct that it continues in force with or without modification, permanently or for such period as they think fit.

Extraordinary powers of Deputy Commissioner in cases of emergency.

155. (1) In cases of emergency, the Deputy Commissioner after intimation to a District Board to execute any work or do any act which a District Board is empowered to execute or do under sub-section (1) of section 86 and the immediate execution or doing of which is in his opinion necessary for the safety of the public, within a time to be specified by him and on failure of the District Board to execute such work or do such act, may provide for the execution of such work or the doing of such act and direct that the expense of executing the work or doing

the act with a reasonable remuneration to the person appointed to execute, or to do it, shall be paid by the District Board.

(2) If the expense and the remuneration are not so paid, the Deputy Commissioner may make an order directing the person having the custody of the District Fund to pay the expense and remuneration and such person shall be bound to comply with such order.

(3) The provisions of sub-section (2) of section 154 shall apply, so far as may be, to any order made under this section in the same manner and to the same extent as if it were an order of the Commissioner.

Power to provide for performance of duties in default of District Board.

156. (1) When the Government is informed on complaint made or otherwise, that a District Board has made default in performing any duty imposed on it by or under this Act or by or under any enactment for the time being in force, the Government, if satisfied after due enquiry, that the District Board has been guilty of the alleged default, may, by an order in writing, fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Government may appoint some person to perform it and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be paid by the District Board.

(3) If the expense and the remuneration are not so paid, the Government may make an order directing the person having the custody of the District Fund to pay the expense and remuneration and such person shall be bound to comply with such order.

Supersession of District Boards.

157. (1) If a District Board is not competent to perform, or persistently makes default in the performance of the duties imposed on it by or under this Act, or otherwise by law, or exceeds, or abuses its powers, the Government may, by an order published, with the reasons for making it, in the *Mysore Gazette*, declare the District Board to be incompetent, or in default, or to have exceeded or abused its powers as the case may be, and supersede it for a period to be specified in the order.

Consequences of supersession of District Boards.

(2) When a District Board is so superseded, the following consequences shall ensue :—

(*a*) all members of the District Board shall, as from the date of the order, vacate their office as such members ;

(*b*) all powers and duties of the District Board may, during the period of supersession, be exercised and performed by such person or persons as the Government, from time to time, appoint in that behalf ;

(*c*) all property vested in the District Board shall, during the period of supersession, vest in the Government subject to all rights over and all debts, liabilities and obligations, if any, affecting that property.

(3) On the expiration of the period of supersession specified in the order, the District Board shall be re-established by election, and the persons who vacated their offices under clause (*a*) shall not be deemed disqualified for election :

Provided that such supersession shall not continue for more than one year at a time.

Disputes between District Boards.

158. (1) If any dispute, for the decision of which this Act does not otherwise provide, arises between two or more District Boards, or between a District Board and one or more municipal councils, the matter shall be referred to the Government whose decision shall be final.

(2) No suit shall be entertained by a civil court in respect of any dispute referred to in sub-section (1).

Powers of Government, Commissioner and Deputy Commissioner over subordinates.

159. In respect of officers employed by a District Board, the Government and the Commissioner, and in respect of officers employed by a Village Panchayet, the Government, the Commissioner and the Deputy Commissioner concerned shall exercise the same authority and control which they or he exercises over their or his subordinates of corresponding status in the general and revenue administration.

(Chapter XI—Control)

Power under special circumstances to exempt the District Boards from the operation of the Act.

160. (1) If the circumstances of any district or part of a district or any village or part of a village are in the opinion of the Government such that all or any of the provisions of this Act are unsuited thereto, the State Government may, by notification in the *Mysore Gazette*, exempt the district or part of the district or village or part of the village from the operation of these provisions and thereupon these provisions shall not apply to the exempted district, village or part of the district or village until again applied thereto by a subsequent notification of the Government.

Power to make rules in relation to notification under sub-section (1).

(2) While any notification under the former part of sub-section (1) of this section is in force, the Government may make rules to provide for any matter dealt with by the provisions of this Act to which the notification applies. Such rules, when published in the *Mysore Gazette*, shall have the force of law.

Penalty for member, officer or servant of a District Board having an interest in any contract, etc., with that Board.

161. If any member of a District Board or any officer or servant maintained by or employed under a District Board has directly or indirectly any share or interest in any work done by order of the Board of which he is a member or by which he is maintained or under which he is employed or in any contract with or under such Board, he shall be liable on conviction, before a magistrate, to a fine not exceeding five hundred rupees:

Provided that no person shall be convicted under this section by reason only of such person—

(*a*) having a share in any Joint-Stock Company or a share or interest in any literary association registered under the Societies Registration Act, 1904, or in any society registered under the Mysore Co-operative Societies Act, 1948, which shall contract with or be employed by or on behalf of the District Board, or

(*b*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the District Board may be inserted, or

(*c*) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the District Board.

Restrictions with respect to actions against District Board.

162. (1) No action shall be brought against any District Board, or any of its officers, or any person acting under its direction, for anything done or purporting to be done under this Act, until the expiration of two months next after notice in writing, shall have been delivered or left at the office of the Board or at the place of abode of such person; such notice shall state the cause of action, the relief sought, the amount of compensation, if any, claimed and the name and the place of abode of the intending plaintiff.

And every such action shall, unless it is an action for the recovery of immoveable property or for a declaration of title thereto, be commenced within eight months next after the accrual of the cause of action and not afterwards.

(2) Nothing in this section shall be deemed to apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

(3) (*a*) No civil court shall entertain a suit objecting to an assessment, demand or charge made or imposed under this Act, or for the recovery of any sum of money collected under the authority of this Act, or for damages on account of any assessment or collection of money under the said authority, if the provisions of this Act have been in substance and effect complied with.

(*b*) No suit or other legal proceedings shall lie against any member, officer, servant or agent of a District Board acting under its direction, in respect of anything done lawfully and in good faith under this Act or any rule made thereunder.

Institution of legal proceedings against Panchayet member, officer, servant or agent and bar of certain suits.

163. (1) (*a*) No suit shall be brought against any Panchayet or any member, officer, servant, or agent thereof acting under its direction, in respect of any act purporting to be done in its or his official capacity, until the expiration of two months next after notice in writing has been, in the case of a Panchayet, left or delivered at its office and in the case of a member, officer or servant, delivered to him or left at his office or place of residence. The notice shall state the cause of action, the name and place of residence of the intending plaintiff, and the relief which he claims. The plaint shall contain a statement that such notice has been so delivered or left.

(*b*) Every such action shall be dismissed unless it is instituted within eight months after the accrual of the alleged cause of action.

(*c*) When the suit is against a member, officer, servant or agent of a Panchayet, the Deputy Commissioner shall determine whether the defence of the suit should be undertaken by the Panchayet and paid for out of the Panchayet Fund.

(2) (*a*) No civil court shall entertain a suit objecting to an assessment, demand or charge made or imposed under this Act, or for the recovery of any sum of money collected under the authority of this Act, or for damages on account of any assessment or collection of money under the said authority, if the provisions of this Act have been in substance and effect complied with.

(*b*) No suit or other legal proceedings shall lie against any member, officer, servant or agent of a Panchayet acting under its direction, in respect of anything done lawfully and in good faith under this Act or any rule made thereunder.

(3) Nothing in this section shall be deemed to apply to any suit under section 54 of the Specific Relief Act.

Deputy Commissioner's right to requisition records, etc.

164. (1) Every person in possession of moneys, accounts, records or other property appertaining to a Panchayet shall, on the requisition in writing of the Deputy Commissioner for this purpose, forthwith hand over such moneys or deliver up such accounts, records or other property to the Chairman of the Panchayet or other person authorised in the requisition to receive the same.

(2) The Deputy Commissioner of the District may also take steps to recover any money due by such person in the same manner and subject to the same rules as are laid down in the Mysore Land Revenue Code, 1888, for the recovery of arrears of land revenue from defaulters; and for the purpose of recovering the accounts, records or other property appertaining to the Panchayet, may issue a search warrant and exercise all such powers with respect thereto as may lawfully be exercised by a magistrate under the provisions of Chapter VII of the Code of Criminal Procedure.

(3) Every person knowing where any moneys, accounts, records or other property appertaining to a Panchayet are concealed, shall be bound to give information of the same to the Deputy Commissioner.

(4) An appeal shall lie to the Commissioner from the order of the Deputy Commissioner under this section.

Acquisition of land.

165. Where any land is required for the purpose of this Act, the Government may, at the request of a District Board or Panchayet, and on the recommendation of the Deputy Commissioner, proceed to acquire it under the provisions of the Mysore Land Acquisition Act, 1894; and on payment by the District Board or Panchayet of the compensation awarded under that Act, and the charges incurred by the Government in connection with the proceedings, the land shall vest in the District Board or Panchayet, as the case may be.

Obstructions and encroachments upon public streets and open spaces.

166. (1) Whoever shall have built or set up, or shall build or set up, any wall or any fence, rail, post, stall, verandah, platform, plinth, step, or any projecting structure or thing, or other encroachment or obstruction, in any public street, or shall deposit or cause to be placed or deposited any box, bale, package or merchandise, or any other thing in such street, vested in a District Board, or in, or over, or upon, any open drain, gutter, sewer or acqueduct in such street, shall, on conviction by a magistrate, be punished with fine which may extend to fifty rupees.

(2) The District Board shall have power to remove any such obstruction or encroachment, and shall have the like power to remove unauthorised obstruction or encroachment of the like nature in any open space vested in or under the control of the District Board, and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recoverable in the manner provided in Chapter X.

(3) Nothing contained in this section shall prevent the District Board allowing any temporary occupation of, or erections in, any public street on occasions of festivals and ceremonies, and in such manner, as not to inconvenience the public or any individual.

(4) Nothing contained in this section shall apply to any projection duly authorised by the District Board or in any case where permission has been given under sub-section (3) of this section.

CHAPTER XII.

MISCELLANEOUS.

Application of term "public servant" to members of Panchayets and District Boards and their officers and servants.

167. Every member of a Panchayet or District Board and every officer and servant, maintained by or employed under a Panchayet or District Board, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Punishment for offences under this Act and powers to compound.

168. (1) Whoever, in any area within the jurisdiction of a Panchayet—

(*a*) erects, alters, adds to or reconstructs a building without the written permission required by section 29 or in contravention of any of the conditions imposed by it ;

(*b*) uses any place for an offensive or dangerous trade without a licence required by section 31 or contrary to the conditions imposed therein ; or

(*c*) disobeys an order issued under sub-section (3) of section 34 ; or

(*d*) commits any other offence under this Act or such rules thereunder as are notified by the Government as being punishable under this section ;

shall, on conviction before a magistrate, be punished with fine which may extend to fifty rupees, and in the case of a continuing offence with a further fine which may extend to five rupees for every day after conviction during which he continues so to offend.

(2) A Panchayet may—

(*a*) accept by way of compensation a sum of money not exceeding fifty rupees from any person who, in the opinion of the Panchayet, has committed any of the aforesaid offences, and on such compromise, no proceeding shall be taken against such person in respect of such offence ;

(*b*) compound for a similar sum any of the aforesaid offences or any offences under this Act, which may, by rules made by the Government, be declared compoundable, or withdraw from the prosecution instituted under this Act or any rule thereunder.

(3) All fines imposed by a magistrate under this section or the rules or bye-laws in respect of Panchayets made under this Act shall be recovered and credited to the Panchayet Fund.

Panchayet may prosecute.

169. A Panchayet may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any person offending against the provisions of this Act, or of any rule or bye-law made thereunder relating to Panchayets and may order the expenses of such prosecutions or other proceedings to be paid out of the Panchayet Fund:

Provided that no prosecution for an offence under this Act shall be instituted more than six months after the commission of such offence.

Form of notices.

170. All notices given or issued under the provisions of this Act shall be in writing.

Method of serving document.

171. (1) When any notice or other document is required by this Act or by any rule or order made under it to be served on, or sent to, any person, the service or sending thereof, may be effected—

(*a*) by giving or tendering the said document to such person; or

(*b*) if such person is not found, by leaving such document at his last known place of residence or business, or by giving or tendering the same to some adult member or servant of his family; or

(*c*) if such person does not reside in the village and his address elsewhere is known to the Secretary of a Panchayet or the Chief Executive Officer of a District Board, by sending the same to him by post registered; or

(*d*) if none of the means aforesaid be available, by fixing the same in some conspicuous part of his last place of residence or business.

(2) In the case of joint-owners and occupiers, it shall be sufficient to serve the notice or other document on, or send it to any one of such owners or occupiers.

(3) Whenever in any bill, notice or other document served or sent under this Act or the rules thereunder, a period is fixed within which any tax or other sum is to be paid or any work executed, or anything provided, such period shall, in the absence of any distinct provision to the contrary in this Act or the rules thereunder, be calculated from the date of such service or sending.

Powers to make rules.

172. (1) The Government may make rules or orders to carry out all or any of the purposes of this Act and prescribe forms for any proceeding for which they consider that a form should be provided.

(2) In particular and without prejudice to the generality of the foregoing power, they shall have power to make rules or orders:—

A. For Panchayets—

(*a*) with reference to all matters expressly required or allowed by this Act to be prescribed;

(*b*) for giving intimation of vacancies in the offices of Chairman and members of a Panchayet for fixing time within which elections shall be held for filling such vacancies, and generally for regulating all elections under this Act and determining the authority who shall decide disputes relating to such elections;

(*c*) regulating the establishment of the Panchayets and their powers to acquire, hold and transfer property and to enter into contracts;
and regarding

(*d*) the powers that may be exercised by the Chairman;

(*e*) the grant of leave to the Chairman and Secretary and for the conduct of business during their absence;

(*f*) the levy of taxes, cesses, rates, fees or other dues under this Act, their assessment and recovery, including the procedure to be adopted during distraint, sale, etc.;

(*g*) the accounts to be maintained by Panchayets, the audit and publication of such accounts, and the arrangements to be made for the lodging and custody of the Village Fund;

(*h*) the returns, statements and reports to be submitted by Panchayets;

(*i*) the preparation and sanction of the estimates of receipts and expenditure of Panchayets;

(*j*) the manner in which notifications and orders under this Act shall be published;

(*k*) instructions for the guidance of the controlling authorities in exercising the powers delegated to them;

(*l*) the powers and functions, qualifications, manner of recruitment and training of Secretaries of Panchayets;

(*m*) the class of magistrates by whom offences under this Act or the rules thereunder shall be tried;

(*n*) the settlement of differences or disputes between any two Panchayets or between a Panchayet or any other local authority in regard to any matters arising for decision under this Act.

B. For District Boards—

(*a*) with reference to all matters expressly required or allowed by this Act to be prescribed;

(*b*) with reference to all matters relating to elections; and regarding

(*c*) the remuneration and allowances, if any, of members, Presidents and Vice-Presidents, the conditions under which and the rates at which payment of travelling expenses shall be made;

(*d*) the submission of resolutions on questions connected with the administration of the district;

(*e*) the intermediate offices, if any, through which correspondence between District Boards and the Government or Government officers shall pass;

(*f*) the conditions on which property may be acquired or transferred by District Boards;

(*g*) the mode of payment from the District Fund and the authority under which the District Fund shall be expended;

(*h*) the conditions on which grants-in-aid shall be paid from the District Fund;

(*i*) the raising of loans by District Boards and the grant of loans for the encouragement of local arts and industries;

(*j*) the levy of tolls, fees and cesses, remissions and exemptions to be granted and the writing off of irrecoverable arrears;

(*k*) the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of District Boards and the power of the District Boards or the Government officers to accord technical or administrative sanction to estimates;

(*l*) the conditions under which rate-payers may appear before the Government auditor, inspect books and vouchers and take exception to items entered in the accounts or omitted therefrom;

(*m*) the estimates of receipts and expenditure, returns, statements and reports to be submitted by District Boards;

(*n*) the mode in which the officers of the Government shall advise and assist District Boards in carrying out the purposes of this Act;

(*o*) the recruitment of officers and servants and their qualifications and with regard to control, transfer, punishment or dismissal of officers and servants of District Boards and with regard to the pay, leave, pension and other privileges of such employees;

(*p*) the guidance generally of District Boards, Committees, Joint Committees, and Government officers in all matters connected with the administration of this Act and not herein specifically provided for; and

(*q*) for prescribing punishment not exceeding five hundred rupees for breach of any rule and also a further fine which may extend to twenty-five rupees for every day on which such breach continues after the date of conviction or any subsequent date, as may be fixed by the magistrate.

(3) All rules made by the Government under this Act shall be published in the *Mysore Gazette* both in English and in Kannada.

Power of Panchayet to make bye-laws.

173. (1) Subject to the provisions of this Act and any rules made in this behalf by the Government, a Panchayet may make bye-laws in respect of the following matters:—

(*a*) regarding the time, place and the conduct of meetings of Panchayets;

(*b*) regarding the appointment of the officers and servants of the Panchayets and their salaries, allowances, pensions, gratuities, transfers and punishments (except Secretary);

(*c*) regulating the conservancy of villages;

(*d*) providing for the protection and periodical examination of wells and water-supply in villages;

(*e*) defining and prohibiting public nuisances in villages;

(*f*) improving the sanitation of villages in other similar respects; and

(*g*) regulating the grant of permission to erect buildings and the conditions and terms that may be imposed;

(*h*) providing for the management of minor muzrai institutions;

(*i*) providing for the levy of profession tax and the rate or rates therefor;

(*j*) providing for management of shandies, fairs and other forms of entertainment;

(*k*) regulating the use of water for drinking purposes and sources thereof;

(*l*) regulating the discharge of water from drains or from premises;

(*m*) preventing damage to public streets and Panchayet property;

(*n*) regulating drainage generally;

(*o*) regulating the use of public streets or other public places by shop-keepers; and

(*p*) regulating the use of tanks, ponds, gomal, play-grounds, bathing and other public places.

(2) Any bye-laws made by a Panchayet shall be subject to the previous approval of the Commissioner and shall take effect on publication in such manner as may be approved by the Government and any person who contravenes any bye-laws made by a Panchayet shall, on conviction before a magistrate, be punished with fine not exceeding twenty rupees for each offence and in case of a continuing offence with a further fine which may extend to two rupees for every day on which such contravention is continued after the date of conviction, or any subsequent date as may be fixed by the magistrate.

Power of District Board to make regulations.

174. (1) A District Board may, from time to time, and subject to the provisions of this Act and to such rules as may be prescribed by the Government in this behalf and with the previous sanction of the Government, make regulations,—

(*a*) for the general or special regulation, inspection, and control of *musafirkhanas*, travellers' bungalows, rest houses, cart-stands, bus-stands, markets, slaughter-houses, hotels, bakeries, sweetmeat shops, all other places used for the sale of articles intended for human food or drink, all places used for animals which are for sale or hire or the produce of which is sold and all places used for the purposes specified in Schedule III and for regulating the conduct of business in any of the places aforesaid so as to secure cleanliness therein and the wholesomeness of the articles prepared, kept or sold or to minimise any injurious, offensive or dangerous effects arising or likely to arise therefrom;

(*b*) (i) for regulating all matters connected with sanitation;

(ii) for empowering the President or any person authorised by the Board to enter upon and to inspect any building or land and to require that it shall be kept in a sanitary condition;

(*c*) (i) for regulating the use of and the prevention of nuisances in regard to public water-supply, bathing and washing places, streams, channels, tanks and wells;

(ii) for requiring private sources of water-supply used by the public or any section of the public to be kept in good repair, improved or protected from pollution and for payment from the District Fund of a portion or the whole of the expenses incurred for the purposes;

(iii) for setting apart, with the consent of the owner in the case of private sources of water-supply, and of the Government in the case of those under the control of the Government, for a specified purpose, springs, tanks, wells, water sources and other places, and prohibiting their use for any other purpose or purposes;

(*d*) (i) for regulating prevention of the nuisances affecting the health, safety or convenience of the public;

(ii) for requiring that any pool, ditch, tank, pond, well, hole, or any waste or stagnant water, any channel or receptacle or foul water or other offensive or injurious matter which is likely to prove injurious to the health of the inhabitants or offensive to the neighbourhood be cleansed, filled up, drained off or removed or proper measures be taken to abate or remove the nuisance;

(*e*) (i) for regulating the prevention and spread of dangerous diseases;

(ii) for prohibiting the use of any source of water supply, whether private or public, during epidemics;

(iii) providing for the inspection of persons, travelling by railway or otherwise and the segregation in a hospital or any other place set apart for the purpose, of persons suspected of being infected with any epidemic disease, or for such other measures as may be deemed necessary to prevent the outbreak of such disease or the spread thereof;

(iv) for empowering the President or any person duly appointed by the Board to enter into any building

or premises in which any dangerous infectious disease is reported or suspected to exist, to require the owner or occupier of such building or premises to cleanse or disinfect the same or, where immediate action is necessary, to have such building or premises cleansed or disinfected and to recover the whole or any part of the expenses so incurred from such owner or occupier or to remit the same in deserving cases ;

(v) for requiring that articles of clothing or bedding or other articles exposed to infection from dangerous infectious diseases be washed or disinfected at places notified by the District Board ; and for destroying such articles as are likely to retain infection paying compensation for articles so destroyed ;

(*f*) for regulating the use of public roads and the traffic thereon ; for the temporary occupation or use of public roads and land vested in the Board ; and for securing cleanliness, safety and order in respect of the same;

(*g*) for defining the conditions on or subject to which and the circumstances in which and the areas or localities in respect of which any licence or permission under this Act may be granted, refused, suspended or withdrawn and fixing the fees payable in respect of such permission and the rents, fees and other charges to be levied for the use of any of the places specified in clause (*a*) or other property belonging to the District Board ;

(*h*) for providing for—

(i) the establishment of public ferries and their management ;

(ii) the issue of permission for plying ferry boats, the conditions on or subject to which such permission may be granted and the fees payable in respect of such permission ;

(iii) the rates of fees that may be levied on passengers' vehicles, animals, goods or the loads that may be carried in any public ferry boat ;

(iv) the safe, speedy, and convenient carriage and landing of passengers and property ;

(v) the maintenance of ferry boats in good order and the employment of competent men for working them ;

(vi) the inspection of the ferries and the ferry boats ; and

(vii) otherwise for the due discharge of their duty by ferrymen and other persons employed at a public ferry ; and

(viii) with respect to the conduct of business of District Boards and committees and to the interpellation of the President by the members and to the moving of resolutions at meetings of District Boards ;

(ix) the delegation of powers of the President, the Vice-President or other officers or members or committees ;

(2) Any person who contravenes any regulation made under this section shall, on conviction before a magistrate, be punished with fine not exceeding fifty rupees for each offence and in case of a continuing offence, with a further fine which may extend to ten rupees for every day on which such contravention is continued after the date of conviction, or any subsequent date as may be fixed by the magistrate.

Temporary and transitional provisions.

[1][**175.** [2](1) Notwithstanding anything contained in this Act,

(i) it shall be lawful for the Government,

(*a*) to specify by notification in the *Mysore Gazette*, the date on which the term of office of the members of the bodies functioning as the District Boards of the Districts, immediately before the commencement of this Act, shall expire ;

(*b*) to appoint with effect from the date specified under sub-clause (*a*), a Special Officer, by notification in the *Mysore Gazette*, in respect of each District Board, to exercise the powers, discharge the duties and perform the functions

1. Substituted by Act XXVIII of 1952.
2. Sub-section (1) substituted by Act 1 of 1954.

of such District Board and its President, until the constitution of such District Board in accordance with the provisions of this Act;

(ii) the Government may, if it considers necessary, constitute a committee, consisting of such persons as the Government may nominate, to advise the Special Officer appointed under sub-clause (*b*) of clause (i) in the discharge of his duties.

(2) Notwithstanding anything contained in this Act,—

(*a*) until the constitution of a Village Panchayet in accordance with the provisions of this Act the body functioning as the Village Panchayet in that village immediately before the commencement of this Act shall exercise the powers and perform the duties conferred by the provisions of this Act on a Village Panchayet;

(*b*) casual vacancies in the seats of the members of the Village Panchayet functioning under clause (*a*) shall be filled and all matters in connection with the filling up of such vacancies shall be regulated in accordance with the rules governing the filling of such vacancies and regulating such matters in force immediately before the commencement of this Act subject to such modifications as the Government may by notification make in such rules;

(*c*) the term of office of the members referred to in clause (*a*) shall, subject to the provisions of section 11, extend to or expire on (as the case may be) such date as the Government may by notification in the *Mysore Gazette* appoint, and the Government shall cause elections of members to be held so that the newly elected members may come into office on the date fixed for the retirement of old members.]

Saving of rules and bye-laws.

176. (1) Any rules made or orders passed by the Government and orders made by a Village Panchayet which were in force immediately before the commencement of this Act, shall, subject to the provisions of this Act, continue in force, as if made or passed under this Act.

(2) Any rules made or orders passed by the Government and any bye-laws or orders made by a District Board which were in force immediately before the commencement of this Act, shall, subject to the provisions of this Act, continue in force, as if they were rules made, or orders passed by the Government or regulations made by a District Board under this Act.

Repeal of Mysore Acts II and III of 1926.

177. The Mysore Village Panchayet Act, 1926, and the Mysore District Boards Act, 1926, are hereby repealed :

Provided that—

(*a*) the said repeal shall not affect the validity of anything done or the liability of any person to pay any sum due from him under the aforesaid Acts or rules or bye-laws or orders thereunder ;

(*b*) any appointment, notification, notice, order, scheme, licence, permission, rule, bye-law, form, tax, fee, cess or rate, made, issued, given or imposed, contracts entered into and suits and other proceedings instituted under the aforesaid Acts or rules, bye-laws or orders thereunder, shall, so far as may be, be deemed to have been made, issued, given, imposed, entered into and instituted under this Act;

(*c*) the assets and liabilities of the aforesaid District Boards and Panchayets in such district, village or group of villages shall, subject to such conditions as may be imposed by the Government, devolve on the District Board or Panchayet constituted or continued under this Act ; provided that any funds set apart for a specific purpose by the aforesaid Boards or Panchayets, shall not be diverted for any other purpose, without the consent of the District Board or Panchayet thus constituted or continued.

(*Schedule I*)

SCHEDULE I.

MAXIMUM RATES OF TAX LEVIABLE ON HOUSES, SHOPS, PLACES OF TRADE OR BUSINESS, VACANT SITES AND *Hittals* AND CARTS.

(*See section 39.*)

A. House Tax.

	Rs.	Rs.	Per annum. Rs. a. p.
Class A—Buildings of the value not exceeding ...	25	...	0 4 0
Class B—Buildings of the value exceeding	25	But not exceeding 50	0 8 0
Class C Do ...	50	200	1 0 0
Class D Do ...	200	400	2 0 0
Class E Do ...	400	600	3 0 0
Class F Do ...	600	800	4 0 0
Class G Do ...	800	1,000	5 0 0
Class H Do ...	1,000	1,500	7 8 0
Class I Do ...	1,500	...	10 0 0

In respect of buildings, the value of which exceeds the above amount, the tax may be levied at the rate of four annas for every hundred rupees but not exceeding twenty-five rupees in any case.

B. Shop Tax.

			Rs. a. p.	
1. Wholesale shop (Mandi)	1st	Class...	25 0 0	each
	2nd	,, ...	20 0 0	,,
	3rd	,, ...	15 0 0	,,
	4th	,, ...	10 0 0	,,
2. Other shops ...	1st	,, ...	25 0 0	,,
	2nd	,, ...	10 0 0	,,
	3rd	,, ...	6 0 0	,,
	4th	,, ...	4 0 0	,,
	5th	,, ...	2 0 0	,,
	6th	,, ...	1 0 0	,,

C. Tax on Places of Trade or Business.

			Rs. a. p.	
Other shops ...	1st	Class ...	25 0 0	each
	2nd	,, ...	20 0 0	,,
	3rd	,, ...	15 0 0	,,
	4th	,, ...	10 0 0	,,
	5th	,, ...	6 0 0	,,
	6th	,, ...	4 0 0	,,
	7th	,, ...	2 0 0	,,
...	8th	,, ...	1 0 0	,,

D. Cart Tax.

	Rs.	a.	p.	
Single bullock-carts, *Waddara bandis*	1	0	0	each per annum
Double bullock-carts ...	2	0	0	„
Jutkas ...	1	0	0	„

E. Tax on vacant sites and hittals.

1.	Village site land occupied by house and back-yard attached thereto, when the area occupied exceeds ten guntas in the Maidan parts and 20 guntas in the Malnad.	For the area in excess of 10 guntas in the Maidan parts and 20 guntas in the Malnad.
2.	Other occupied land not being a Revenue Survey number left vacant within the village site, whether it is a building site or land ordinarily used for purposes of agriculture.	For the whole area.

Annas four per one hundred square yards.

SCHEDULE II.

PROFESSIONS IN RESPECT OF WHICH PROFESSION TAX MAY BE LEVIED WITH THE MAXIMUM TAX LEVIABLE.

(*See section 41.*)

CLASS I.

Every person holding any office or appointment, public or private, or employed in any capacity, whose pay, salary or pension amounts to one thousand rupees a month or upwards and every person falling under any of the following denominations whose income is estimated to amount to one thousand rupees a month or upwards :—

		Maximum per year. Rs.
1.	Owners of cotton and ginning factories ...	25
2.	Owners of pressing factories ...	
3.	Owners of flour mills, rice hullers, oil mills and of buses and lorries	
4.	Manufacturers of aerated or mineral waters ...	
5.	Owners of hand-loom factories and factories driven by mechanical or electrical power ...	
6.	Liquor shop-keepers, toddy shop-keepers ...	
7.	Licensees of toddy booths, bhang, ganja, opium and other intoxicating drugs ...	
8.	Hotel-keepers and boardings, eating, refreshment, house-keepers, licensees of mutton shops ...	
9.	Hawkers and itinerant vendors ...	
10.	Carpenters, blacksmiths, tailors, barbers, potters and contractors	
11.	Practising physicians and hakeems ...	

(Schedule II—Schedule III)

CLASS II.

	Rs.
Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to Rs. 500 a month or upwards ..	20

CLASS III.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to Rs. 300 a month or upwards	10

CLASS IV.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to two hundred rupees a month or upwards ...	6

CLASS V.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to one hundred rupees a month or upwards ...	3

CLASS VI.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to rupees fifty a month or upwards ...	2

CLASS VII.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to rupees thirty a month or upwards ...	1

SCHEDULE III.

(See section 42.)

MAXIMUM RATES OF TAXES ON SHANDIES, FAIRS AND FESTIVAL

PART I.

FEES ON CATTLE.

	Rs. a. p.
(1) On every cattle-head brought for the cattle show (except in the case of young calves) ...	0 8 0
(2) On every head of draught bullocks passing into the precincts of the cattle show ...	0 8 0

(*Schedule III*)

PART II.

TAX ON SHOP SITES.

The area around the temple in respect of which the fair or festival is held may be divided into suitable blocks, based on the proximity thereof to the institution and the fee levied on the area occupied by the shop, subject to a maximum of Rs. 8 per square yard and a minimum of Rs. 2 per square yard.

In respect of space taken in terms of yards for keeping stalls the following rates are leviable.—

		Rs.	a.	p.
1.	For sale of flowers, betel leaves and plantains brought in head-loads in baskets ...	0	8	0
2.	Per cart-load of cocoanuts ...	0	8	0
3.	For offerings of silver pieces to the Deity by the devotees with the usual concessions in respect of six families—For every place of the offering	8	0	0
4.	In respect of every stall opened on the pials of houses in the bazaar street ...	16	0	0
5.	For every hotel run in houses ...	16	0	0
6.	In cases where "Bhakshya" dishes are sold in hotels for every such hotels ...	20	0	0
7.	In respect of every show in the case of dramas	20	0	0
8.	Do do cinemas...	20	0	0
9.	Do do circuses...	20	0	0
10.	For every Merry-go-round ...	16	0	0
11.	For every Mill-stone Stall ...	8	0	0
12.	For every shop selling camphor, flowers, fruits, etc., near temples	2	0	0
13.	For every Mutton or Meat-shop ...	20	0	0
14.	In respect of Picture Shows through Magnifying glasses—per every premises for every day	16	0	0
15.	For Arrack and Toddy shops—per day ...	12	0	0
16.	For every Pottery shop	2	0	0
17.	For sale in head-loads (except in the case of sale of fuel and grass)	1	0	0
18.	For sale on push-carts—for every cart ...	2	0	0
19.	From every Hawker in the streets ...	2	0	0

(*Schedule III*)

PART III.

Statement of taxes chargeable on articles in a market or shandy.

Sl. No.	Description of Shops	Maximum Rates								
		I Class			II Class			III Class		
		Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.
1	Pottery stall ...		...		0	8	0	0	4	0
2	Sweetmeat, Coffee, Cakes, etc., Restaurant ...	1	0	0	0	8	0	0	4	0
3	Cloth stall (stitched and unstitched) bed sheets, blankets, etc., stall ...	1	0	0	0	8	0	0	4	0
4	Groundnut stall ...		...		0	4	0	0	2	0
5	Rice, Dhall, Ragi, etc., Bran stall	1	0	0	0	8	0	0	4	0
6	Indigenous Drugs stall ...		...			...		0	2	0
7	Vegetable stall per basket (worth 8 annas) ...		...			...		0	2	0
8	Vegetable stall per basket (less than 8 annas) ...		...			...		0	1	0
9	Fish stall ...		..			....		0	4	0
10	Bamboo Winnows, Basket, Mat, etc., stall ...		...			...		0	4	0
11	Cutlery Stall (Knife, Scissors, etc.)	1	0	0	0	8	0	0	4	0
12	Fruit stall ...		...		0	4	0	0	2	0
13	Tobacco stall ...	1	0	0	0	8	0	0	4	0
14	Eggs stall ...		...			...		0	4	0
15	Betel leaves stall for every 25 bundles and fraction thereof...		...			...		0	2	0
16	Match box stall ...		...			...		0	2	0
17	Kaddipudi stall ...		...		0	8	0	0	4	0
18	Bakery stall ...		...			...		0	4	0
19	Kerosene oil stall ...		...			...		0	4	0
20	Jaggery stall ...	1	0	0	0	8	0	0	4	0
21	Salt stall ...		...			...		0	4	0
22	Onions, Garlick, etc., stall ...		...			...		0	4	0
23	Cocoanut stall ...	0	8	0	0	4	0	0	2	0
24	Tailor's shop (with Tailoring Machine) ...		...			...		0	8	0
25	Bangles' stall ...		...			...		0	4	0
26	Silk or Yarn stall ...		...			...		0	8	0
27	Arecanut stall ...		...		0	8	0	0	4	0
28	Snuff stall ...		...			...		0	4	0
29	Flower stall ...		...			...		0	2	0

(*Schedule III*)

Sl. No.	Description of Shops	Maximum Rates		
		I Class	II Class	III Class
		Rs. a. p.	Rs. a. p.	Rs. a. p.
30	Stalls other than those described above ...	0 8 0	0 4 0	0 2 0
31	Snacks Stall ...	...	...	0 8 0
32	Meat or Butcher's stall ...	1 0 0	0 8 0	0 4 0
33	Cattle stall per Sheep and Goat ...	...	...	0 2 0
34	Cows, Bulls, Bullocks per head ...	...	...	0 8 0
35	Sheep per head ...	...	...	0 4 0
36	Fowls per head ...	...	...	0 2 0
37	Hides and skins—each ...	...	...	0 2 0
38	Combined stalls containing two or three varieties of stalls of the description noted above ...	1 0 0	0 8 0	0 4 0
39	For every laden cart ...	1 0 0	...	...
40	For every unladen cart ...	0 8 0	...	...
41	Hardware shop ...	1 0 0	0 8 0	0 4 0
42	Vessels shop ...	1 0 0	0 8 0	0 4 0
43	Horse-shoeing ...	...	...	0 8 0
44	Glassware stall ...	...	0 8 0	0 4 0
45	Chunnam stall ...	...	...	0 2 0
46	Kadalepuri stall ...	...	...	0 4 0
47	Grains measuring stall ...	1 0 0	...	...
48	Goldsmith's stall ...	2 0 0	...	...
49	Half-a-ton Lorry on each Lorry ...	1 0 0	...	...
50	Sugarcane stall ...	...	...	0 4 0
51	Sheep and Goat skins ...	...	...	0 2 0

NOTE.—1. Stalls having articles of the value of Rs. 25 and more should be classified as I Class.

2. Stalls having articles of the value of more than Rs. 5 and less than Rs. 25 should be classified as II Class.

3. Stalls having articles of the value of less than Rs. 5 should be classified as III Class.

4. Those who have paid tolls on a laden-cart and have obtained a receipt for the same are exempted from the payment of shop tax.

5. Head-loads of the value of less than four annas are exempted from shandy tax.

6. Articles (1) locally-made or (2) of hand-loom manufacture, bearing the seal of the Mysore Industries and Commerce Department, are exempted from the payment of shandy tax.

(Schedule IV—Schedule V)

SCHEDULE IV.

Composition of District Boards.

(See section 50)

Name of the District Board.		*Number of Members.*
1.	Bangalore	40
2.	Mysore	36
3.	Mandya	25
4.	Hassan	23
5.	Shimoga	20
6.	Chikmagalur	20
7.	Chitaldrug	29
8.	Tumkur	40
9.	Kolar	34

SCHEDULE V.

PURPOSES FOR WHICH PLACES MAY NOT UNDER SECTION 98 BE USED WITHOUT A LICENCE.

(See section 98.)

Aerated waters.—Manufacturing.

Ammunition.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Article made of flour.—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Ashes.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dumping or sifting.

Biscuits.—Baking, preparing, keeping or showing for human consumption (for other than domestic use).

Blood.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Bones.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Bread.—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Bricks.—Manufacturing.

Camphor.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or boiling.

Candles.—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

(*Schedule V*)

Carpets.—Manufacturing.

Catgut.—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever.

Cement.—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Charcoal.—Dumping, sifting, selling or storing.

Chemical preparations.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Chillies.—Grinding by machinery.

Chlorate mixture.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Cinders.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dumping or sifting.

Clothes.—Dyeing.

Coal.—Dumping, sifting, selling or storing.

Cocoanut fibre.—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever.

Combustible material.—Storing.

Combustibles.—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Confectionery.—Baking, preparing, keeping, or storing for human consumption (for other than domestic use).

Cotton, cotton refuse.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Dyes.—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Explosive.—Storing.

Fat.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Firewood.—Selling or storing.

Fireworks.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fish.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fish oil.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Flax.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fleshings.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Flour.—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fuel.—Using for any industrial purpose.

Fulminate of mercury.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

(*Schedule V*)

Gas.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Gold.—Refining.

Gram.—Husking by machinery.

Gun-cotton.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Gun-powder.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Hair.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dyeing or drying.

Hay.—Selling or storing.

Hemp.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Hides.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Hoofs.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Horns.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Ice.—Manufacturing.

Jute.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Lac.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Lead.—Melting.

Leather.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Lime.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Limeshells.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Manure.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Machinery.—Using for any industrial purpose.

Matches.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Meat.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Metals.—Beating, breaking, hammering, casting, etc.

Nitro-compound.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Nitro-glycerine.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Nitro-mixture.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

(*Schedule V*)

Offal.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Paddy.—Boiling or husking by machinery.

Petroleum products.—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever in quantities not exceeding six gallons, provided that no licence shall be required for storing petroleum in accordance with the provisions of the Mysore Petroleum Act, 1942, or the rules issued or the notifications published under that Act.

Pitch.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Pottery.—Manufacturing by any process whatever.

Resin (including rosin).—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Saltpetre.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Seegekai.—Powdering by machinery.

Shellac.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Skins.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Soap.—Manufacturing by any process whatever.

Spirits.—Manufacturing by any process whatever.

Sulphur.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or melting.

Tallow.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or melting.

Tar.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Thatching materials.—Selling or storing.

Tiles.—Manufacturing.

Timber.—Selling or storing.

Tobacco (including snuff, cigars, cigarettes and beedies).—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Turpentine.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Wool.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dyeing or drying.

Yarn.—Dyeing.

Provided that no licence shall be required for the storage only of any of the articles mentioned in this Schedule or for boiling paddy when such storage or boiling is for domestic use and limited to such quantities as may from time to time be fixed by the Commissioner.

Gilding or electro-plating.

(Schedule V)

Keeping a shaving or hair-dressing saloon.

Keeping together pigs or twenty or more sheep or goats or ten or more head of cattle.

Manufacturing articles from which offensive or unwholesome smells, fumes, dust or noise arise.

In general, any purpose or the doing in the course of any industrial process anything which, in the opinion of the District Board, is likely to be dangerous to human life, or health or property or is likely to create or cause a nuisance.

MYSORE ACT No. VIII OF 1952.

THE MYSORE RACE-COURSES LICENSING ACT, 1952.

(Received the assent of His Highness the Maharaja on the Twenty-first day of February, 1952.)

An Act to provide for the licensing of Race-Courses in [1][the State of Mysore Except Bellary District].

Preamble.

WHEREAS it is expedient to make provision for the licensing, regulation, control and management of horse-racing on race-courses and all matters connected therewith in [1][the State of Mysore Except Bellary District];

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Race-Courses Licensing Act, 1952.

(2) It extends to the [1][whole of the State of Mysore except Bellary District.]

(3) It shall come into force at once.

Definitions.

2. In this Act,—

(1) "Government" means the State Government;

(2) "horse-race" means any race in which any horse, mare or gelding runs, or is made to run, in competition with any other horse, mare or gelding for any prize of whatsoever nature or kind, or for any bet or wager made or to be made in respect of any such horse, mare or gelding or the riders thereof, and at which more than twenty persons shall be present;

(3) "licence" means a licence granted under section 4 of this Act;

(4) "licensee" means a person licensed under section 4 of this Act;

(5) "permit" means a permit granted to a book-maker under sub-section (4) of section 4 of this Act;

---

1. See the Mysore Adaptation of Laws Order, 1953.

(6) "prescribed" means prescribed by rules made under this Act ;

(7) "race-course" means any ground on which a horse-race can be held.

Prohibition of horse-racing on unlicensed race-courses.

3. No horse-race shall be held save on a race-course for which a licence for horse-racing granted in accordance with the provisions of this Act, is in force.

Licences for horse-racing.

4. (1) The owner, lessee or occupier of any race-course may apply to the Government for a licence for horse-racing on such race-course.

(2) The Government may withhold such licence or grant it subject to such conditions and for such period as they may think fit.

(3) In particular and without prejudice to the generality of the foregoing power, such conditions may provide for—

(*a*) the payment of a licence fee ;

(*b*) the maintenance of such accounts and furnishing of such returns as are required by the Betting Tax Act, 1932 ;

(*c*) the amount of stakes which may be allotted for different kinds of horses ;

(*d*) the measures to be taken for the training of persons to become Jockeys ;

(*e*) the measures to be taken to encourage Indian bred horses and Indian Jockeys ;

(*f*) the inclusion or association of such persons as the Government may nominate as Stewards or members in the conduct and management of horse-racing ;

(*g*) the utilisation of the amount collected by the licensee in the conduct and management of horse-racing ;

(*h*) such other matters connected with horse-racing and the maintenance of the race-course for which, in the opinion of the Government, it is necessary or expedient to make provision in the licence.

(4) The Government may, by such licence, authorise the licensee to grant, subject to such conditions as may be

specified by the Government in such licence, a permit to any book-maker for such period not exceeding the period of the licence granted to the licensee as the licensee may think fit.

(5) The Government may, at any time, suspend, cancel, or modify any of the conditions specified in, any licence or permit.

(6) The grant, cancellation or modification of any licence shall be published in the *Mysore Gazette*.

Penalty for taking part in horse-race on unlicensed race-course.

5. Whoever takes part in any horse-race on any race-course for which no licence is granted or for which a licence granted in accordance with the provisions of section 4 is not in force, shall be punishable with fine which may extend to five hundred rupees.

Penalty for owner, etc., allowing racing on unlicensed race-course.

6. If any horse-race is held on any race-course for which a licence has not been granted or for which a licence granted is not in force, any person being the owner, lessee or occupier of such race-course, shall be punishable with fine which may extend to one thousand rupees.

Penalty for contravening conditions of licence.

7. (1) If any person to whom a licence has been granted contravenes any of the conditions subject to which such licence was granted, such person shall, without prejudice to any action that may be taken by the Government under sub-section (5) of section 4, be punishable with fine which may extend to one thousand rupees.

(2) If any person to whom a permit has been granted by a licensee contravenes any of the conditions subject to which such permit was granted, he shall, without prejudice to any action that may be taken by the Government under sub-section (5) of section 4, be punishable with fine which may extend to one thousand rupees.

Saving of Orders.

8. The granting, refusing or cancellation of a licence and the conditions subject to which a licence or permit is granted shall be within the discretion of the Government and shall not be liable to be called in question in any court.

Cognizance of offences under the Act.

9. (1) No court inferior to that of a Magistrate of the First Class, shall try any offence under this Act and no person shall be prosecuted under this Act except with the previous sanction of the Government.

(2) All offences under this Act shall be compoundable.

Exemption.

10. The Government may, by general or special order published in the *Mysore Gazette*, exempt any horse-race from the operation of this Act.

Power to make rules.

11. (1) The Government may, by notification in the *Mysore Gazette*, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :—

(i) the form and manner in which applications for licences are to be made ;

(ii) the fees payable for such a licence ;

(iii) the period for which such licences are to be granted ;

(iv) the renewal, modification and cancellation of licences.

Amendment of Mysore Act V of 1908.

12. For paragraph (ii) of the exception to sub-clause (1) of clause (i) of section 4 of the Mysore Police Act, 1908, the following paragraph shall be substituted, namely :—

" (ii) in an enclosure which the licensee of the race-course on which such race is to be run, has set apart for the purpose under the terms of the licence issued under section 4 of the Mysore Race-courses Licensing Act, 1951."

Amendment of Mysore Act XXVII of 1951.

13. In section 32 of the Mysore Lotteries and Prize Competitions Control and Tax Act, 1951, for clause (*a*), the following clause shall be substituted, namely :—

" (*a*) a licensee or a person to whom a permit has been granted under section 4 of the Mysore Race-courses Licensing Act, 1951, or to any entries in respect of any stake or bet received by such licensee or person ; "

Amendment of Mysore Act IX of 1932.

14. The Betting Tax Act, 1932, shall be amended in the manner specified in the Schedule to this Act.

SCHEDULE.

(*See section 14*).

Amendments to the Betting Tax Act, 1932 (IX of 1932).

1. In section 2,—

(*a*) after clause (2), the following clause shall be inserted, namely :—

"(2A) 'licensee' means a person for whom a licence has been granted for horse-racing on a race-course under section 4 of the Mysore Race-courses Licensing Act, 1951."

(*b*) In clause (3) for the words and figures commencing from "licence or permit" till the end of the clause, the following words and figures shall be substituted, namely :—

"permit granted by a licensee to enable him to carry on his business or vocation under the Mysore Race-courses Licensing Act, 1951, as specified in the permit;"

(*c*) Clause (5) shall be omitted;

(*d*) In clause (6), for the words and figures, "the stewards controlling a race meeting have set apart in accordance with the Mysore Police Act, 1908," the words and figures "the licensees have set apart in accordance with the provisions of the Mysore Race Courses Licensing Act, 1951" shall be substituted.

2. In section 3, the words and figures "as from the first day of February, 1933" shall be omitted and for the words "stewards of the race-meeting", the word "licensees" shall be substituted.

3. In sections 4, 5 and 8 for the words "stewards of a race-meeting", the word "licensees" shall be substituted.

4. In sub-section (1) of section 6, the words and figures "as from the first day of February, 1933", shall be omitted, and for the words and figures "under the provisions of the Mysore Police Act, 1908", the words and figures "by the licensee in accordance with the provisions of the Mysore Race Courses Licensing Act, 1951" shall be substituted.

5. In section 9—

(*a*) for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) The totalisator tax payable under section 3, shall be recoverable from the licensees as an arrear of land revenue."

(*b*) in sub-section (2), for the words "as a revenue demand", the words "as an arrear of land revenue" shall be substituted.

6. For section 11, the following section shall be substituted, namely :—

"11 (1) If any licensee or licensed book-maker evades or attempts to evade the collection or payment of the totalisator tax or betting tax, as the case may be, leviable and payable under this Act, or fails to maintain the accounts or supply any information which such licensee or book-maker is required to maintain or supply by or under this Act, or knowingly maintains false accounts or supplies false information, such licensee or book-maker shall be punishable with imprisonment which may extend to six months or with fine or with both.

(2) If any person contravenes or fails to comply with any of the provisions of this Act or of any rule made thereunder, and not otherwise provided for in sub-section (1), he shall be punishable with fine which may extend to five hundred rupees.

Explanation.—If the person contravening any of the provisions of this Act or of any rule made thereunder is a company or other body corporate, every director, manager, secretary or other officer or agent thereof, shall, unless he proves that the contravention took place without his knowledge and that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention."

MYSORE ACT No. X OF 1952.

THE MYSORE APPROPRIATION ACT, 1952.

(Received the assent of His Highness the Maharaja on the Thirtieth Day of March 1952.)

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two.

Preamble.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two;

It is hereby enacted as follows :—

Short title.

1. This Act may be called the Mysore Appropriation Act, 1952.

Issue of Rs. 5,41,04,700 out of the Consolidated Fund of the State for the year 1951-52.

2. From and out of the Consolidated Fund of the State, there may be paid and applied sums not exceeding those specified in column 5 of the Schedule amounting in the aggregate to the sum of Five hundred and forty-one lakhs, four thousand and seven hundred rupees towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two, in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two.

SCHEDULE

(See Sections 2 and 3).

No. of Vote	Services and Purposes	Sums not exceeding		Total
		Voted by the Legislative Assembly	Charged on the Consolidated Fund	
1	2	3	4	5
		Rs.	Rs.	Rs.
1	7 Land Revenue	13,400	...	13,400
2	8 State Excise Duties	12,500	...	12,500
3	9 Stamps	500	...	500
4	10 Forest	28,500	...	28,500
5	11 Registration	22,900	...	22,900
6	12 Charges on account of Motor Vehicles Act	27,700	...	27,700
7	13 Other Taxes and Duties ..	3,500	...	3,500
8	18 Other Revenue Expenditure Financed from Ordinary Revenue. ...	1,400	...	1,400
9	19 Construction of Irrigation, Navigation, Embankment and Drainage Works.	1,300	...	1,300
10	22 Interest on Debt and other obligations	...	7,42,000	7,42,000
11	25 General Administration (except B, C and F)	1,66,000	...	1,66,000
12	25 General Administration (B Parliament and the State Legislature and C, Elections for Legislature).	600	...	600
13	25 General Administration (F District Administration)	64,900	...	64,900
14	27 Administration of Justice ...	31,500	2,000	33,500
15	28 Jails	4,800	...	4,800
16	29 Police	1,84,700	...	1,84,700
17	36 Scientific Departments	1,300	...	1,300
18	37 Education	4,42,700	...	4,42,700
19	38 Medical	69,700	...	69,700
20	39 Public Health	44,400	...	44,400
21	40 Agriculture (except Horticulture) ...	60,400	...	60,400
22	40(h) Botanical and Other Public Gardens	13,100	...	13,100
23	40A. Rural Development	12,300	...	12,300
24	41 Veterinary charges	22,500	...	22,500
25	42 Co-operation	4,800	...	4,800
26	43 Industries and Supplies except Sericulture	4,22,22,300	...	4,22,22,300
27	43 a-4. Sericulture	5,400	...	5,400

No. of Vote	Services and purposes	Sums not exceeding		Total
		Voted by the Legislative Assembly	Charged on the Consolidated Fund	
1	2	3	4	5
		Rs.	Rs.	Rs.
28	47 Miscellaneous Departments ...	3,000	...	3,000
29	50 Civil Works	30,700	...	30,700
30	54A. Territorial and Political Pensions...	10,500	...	10,500
31	55 Superannuation Allowances and Pensions	5,73,500	...	5,73,500
32	56 Stationery and Printing ...	9,300	...	9,300
33	57 Miscellaneous	4,41,800	...	4,41,800
34	63 Extraordinary charges	74,12,500	...	74,12,500
36	XVII. I.N.E. and D. Works for which capital accounts are kept—Working Expenses	4,26,800	...	4,26,800
38	XLI Receipts from Electricity Scheme—Working Expenses ...	80,000	...	80,000
39	XLVI-A. Receipts from Road Transport Scheme—Working Expenses	17,400	...	17,400
40	68 Construction of I.N.E. and D. Works—outside the Revenue Account.	8,92,100	...	8,92,100
	Grand Total ...	5,33,60,700	7,44,000	5,41,04,700

MYSORE ACT No. XI OF 1952.

THE MYSORE APPROPRIATION (VOTE ON ACCOUNT) ACT, 1952.

(Received the assent of His Highness the Maharaja on the Thirtieth Day of March 1952.)

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the State for the service of a part of the Financial Year 1952-53.

Preamble.

WHEREAS it is expedient to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the State for the service of a part of the Financial Year 1952-53 ;

It is hereby enacted as follows :—

Short Title.

1. This Act may be called the Mysore Appropriation (Vote On Account) Act, 1952.

Withdrawal of rupees 10,91,54,000 from and out of the Consolidated Fund of the State for the financial year 1952-53.

2. From and out of the Consolidated Fund of the State, there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in aggregate to the sum of one thousand ninety-one lakhs fifty-four thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1952-53.

Appropriation.

3. The sums authorised to be withdrawn from and out of the Consolidated Fund by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

SCHEDULE.

(See Sections 2 and 3.)

1	2	3		
Sl. No.	Services and Purposes	Sums not exceeding		Total
		Voted by the Legislative Assembly	Charged on the Consolidated Fund	
	A. EXPENDITURE MET FROM REVENUE.	Rs.	Rs.	Rs.
1	7 Land Revenue	15,64,000	...	15,64,000
2	8 State Excise Duties	3,50,000	...	3,50,000
3	9 Stamps	1,40,000	...	1,40,000
4	10 Forest	13,61,000	...	13,61,000
5	11 Registration	1,61,000	...	1,61,000
6	12 Charges on account of Motor Vehicles Act ...	2,33,000	...	2,33,000
7	13 Other Taxes and Duties	1,54,000	...	1,54,000
8	18 Other Revenue Expenditure Financed from Ordinary Revenue.	13,80,000	...	13,80,000
9	19 Construction of Irrigation, Navigation, Embankment and Drainage Works.	6,71,000	...	6,71,000
10	22 Interest on Debt and other obligations ...	12,42,000	25,00,000	37,42,000
	23 Appropriation for Reduction or avoidance of Debt	...	10,00,000	10,00,000
11	25 General Administration (except B, C and F.) ...	10,90,000	3,31,000	14,21,000
12	25 Do (B. Parliament and the State Legislature and C. Elections for Legislature).	2,43,000	6,000	2,49,000
13	25 General Administration (F. District Administration).	11,74,000	...	11,74,000
14	27 Administration of Justice	7,77,000	1,40,000	9,17,000
15	28 Jails	2,21,000	...	2,21,000
16	29 Police	35,10,000	...	35,10,000
17	36 Scientific Departments	1,48,000	...	1,48,000
18	37 Education	1,10,09,000	...	1,10,09,000
19	38 Medical	32,97,000	...	32,97,000
20	39 Public Health	12,90,000	...	12,90,000
21	40 Agriculture (except Horticulture)	19,56,000	...	19,56,000
22	40 (h) Botanical and Other Public Gardens ...	3,06,000	...	3,06,000
23	40A. Rural Development	15,40,000	...	15,40,000
24	41 Veterinary charges	7,80,000	...	7,80,000
25	42 Co-operation	1,95,000	...	1,95,000
26	43 Industries and Supplies (except Sericulture) ...	1,83,71,000	...	1,83,71,000
	Carried over ...	5,31,63,000	38,77,000	5,71,40,000

1	2	3		
Sl. No.	Services and Purposes	Sums not exceeding		
		Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
	Brought forward ...	5,31,63,000	39,77,000	5,71,40,000
27	43 a-4. Sericulture	3,19,000	...	3,19,000
28	47 Miscellaneous Departments	4,01,000	...	4,01,000
29	50 Civil Works	1,00,14,000	...	1,00,14,000
30	54 Famine Relief	4,00,000	...	4,00,000
31	54A. Territorial and Political Pensions ...	1,50,000	...	1,50,000
32	55 Superannuation Allowances and Pensions ...	14,44,000	25,000	14,69,000
33	56 Stationery and Printing	5,59,000	...	5,59,000
34	57 Miscellaneous	2,53,000	...	2,53,000
35	63 Extraordinary charges	15,70,000	...	15,70,000
36	X. Forest—3. (i) Wood Preservation Plant—Working Expenses and Seigniorage.	1,00,000	...	1,00,000
37	XVII. I.N.E. and D. Works for which capital accounts are kept—Working Expenses.	9,35,000	...	9,35,000
38	XLI. Receipts from Electricity Schemes—Working Expenses.	40,32,000	...	40,32,000
39	XLVI-A. Receipts from Road Transport Schemes—Working Expenses.	14,03,000	...	14,03,000
	Total Expenditure met from Revenue ...	7,47,43,000	40,02,000	7,87,45,000
	B. CAPITAL OUTLAY NOT MET FROM REVENUE.			
40	68 Construction of I.N.E. and D. Works outside the Revenue Account.	37,00,000	...	37,00,000
41	72 Capital Outlay on Industrial Development ..	39,42,000	...	39,42,000
42	81-A. Capital Outlay on Electricity Schemes ...	66,67,000	...	66,67,000
43	82-B. Capital Outlay on Road Transport Schemes ...	1,00,000	...	1,00,000
44	85-A. Capital Outlay on Provincial Schemes of State Trading.	1,35,00,000	...	1,35,00,000
	Total Capital Outlay not met from Revenue ...	2,79,09,000	...	2,79,09,000
	C. DISBURSEMENT OF ADVANCES (WITH INTEREST) AND LOANS			
	ADVANCES AND LOANS.			
45	R. Loans and Advances by the State Government.	25,00,000	...	25,00,000
	Grand Total ...	10,51,52,000	40,02,000	10,91,54,000

(*Chapter I—Preliminary*)

MYSORE ACT No. XIII OF 1952.

THE MYSORE TENANCY ACT, 1952.

(AS AMENDED BY ACT 5 OF 1954.)

(*Received the assent of His Highness the Maharaja on the Seventh Day of April 1952.*)

An Act to regulate the law relating to tenancies of agricultural lands.

Preamble.

WHEREAS it is necessary to regulate the law which governs the relations of landlords and tenants of agricultural lands and to regulate and impose restrictions on the transfer of agricultural lands, dwelling houses, sites and lands appurtenant thereto belonging to or occupied by agriculturists in [1][the State of Mysore except Bellary District] and to make provisions for certain other purposes hereinafter appearing ;

It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Tenancy Act, 1952.

(2) It extends to the [1][whole of the State of Mysore except Bellary District.]

(3) This section shall come into force at once ; and the other sections of this Act shall come into force in such local areas and on such dates as the Government may by notification in the *Mysore Gazette* specify.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) " agriculture " includes horticulture, the raising of crops, or garden produce ;

(2) " agriculturist " means a person who cultivates land personally ;

(3) " Amildar " includes any officer not below the rank of an Amildar whom the Government may appoint to perform the duties of an Amildar under this Act ;

1. See the Mysore Adaptation of Laws Order, 1953.

[1][(3A) "commencement of this Act" or "date of commencement of this Act" or "date of coming into force of this Act", in respect of any local area, means the date specified by the Government under sub-section (3) of section 1 in respect of such local area;]

(4) "to cultivate" means to carry on any agricultural operations;

(5) "to cultivate personally" means to cultivate on one's own account—

(*i*) by one's own labour, or

(*ii*) by the labour of any member of one's family, or

(*iii*) by hired labour under one's personal supervision or the personal supervision of any member of one's family, or by servants on wages payable in cash or kind but not in crop share;

Explanation 1.—A tenant who is a minor or is subject to any physical or mental disability shall be deemed to cultivate the land personally if it is cultivated by his servants or by hired labour;

Explanation 2.—In the case of an undivided Hindu family, the land shall be deemed to have been cultivated personally. if it is cultivated personally by any member of such family;

(6) "Government" means the State Government;

(7) "improvement" means with reference to any land, any work which adds to the permanent value of the land and which is suitable thereto as also consistent with the purpose for which it is held; and includes—

(*a*) the construction of tanks, wells, water channels, embankments and other works for storage, supply or distribution of water for agricultural purposes;

(*b*) the construction of works for the drainage of land or for the protection of land from floods or from erosion or other damage from water;

(*c*) the reclaiming, clearing, enclosing, levelling or terracing of land;

(*d*) the erection of buildings on the land, required for the convenient or profitable use of such land for agricultural purposes; and

(*e*) the renewal or reconstruction of any of the foregoing works or alterations therein or additions thereto

1. Inserted by Act 5 of 1954.

as are not of the nature of ordinary repairs; but does not include such clearances, embankments, levellings, enclosures, temporary walls, water channels and other works as are commonly made by the tenants in the ordinary course of agriculture;

(8) "land" means land which is used for agricultural purposes, and includes—

(*a*) the sites of farm buildings appurtenant to land used for agricultural purposes, and

(*b*) the sites of dwelling houses occupied by agriculturists, agricultural labourers or artisans and land appurtenant to such dwelling houses;

(9) "landlord" means a person who has leased land to a tenant and includes a person entitled to receive rent from a tenant or from a person deemed to be a tenant under the provisions of this Act;

(10) "person" includes an undivided Hindu family;

(11) "prescribed" means prescribed by rules made under this Act;

(12) "reasonable rent" means the rent determined under section 12;

(13) "rent" means any consideration, in money or kind or both, paid or payable by a tenant on account of the use or occupation of the land held by him but shall not include the rendering of any personal service or labour;

(14) "tenancy" means the relationship of landlord and tenant;

(15) "tenant" means an agriculturist who holds land on lease from a landlord and includes a person who is deemed to be a tenant under the provisions of this Act;

(16) "year" means the year ending on the 31st day of March or on such date as the Government, by a notification in the *Mysore Gazette*, appoint for any locality;

(17) words and expressions used in this Act but not defined shall have the meaning assigned to them in the Mysore Land Revenue Code, 1888, and the Transfer of Property Act, 1882 (Central Act IV of 1882), as the case may be.

CHAPTER II.

GENERAL PROVISIONS REGARDING TENANCIES.

Application of Chapter V of Transfer of Property Act.

3. Notwithstanding anything contained in section 117 of the Transfer of Property Act, 1882, the provisions of Chapter V of the said Act, shall in so far as they are not inconsistent with the provisions of this Act, apply to the tenancies and leases of lands to which this Act applies.

Persons to be deemed tenants.

4. A person lawfully cultivating any land belonging to another person shall be deemed to be a tenant if such land is not cultivated personally by the owner and if such person is not—

(*a*) a member of the owner's family, or

(*b*) a servant on wages payable in cash or kind but not in crop share or a hired labourer cultivating the land under the personal supervision of the owner or any member of the owner's family, or

(*c*) a mortgagee in possession.

No tenancy to be for less than five years.

5. (1) No tenancy of land shall be for a period of less than five years. All tenancies in force [1][on the date of commencement of this Act] shall be deemed to be tenancies for a further period of five years from the date of commencement of this Act.

(2) Notwithstanding any agreement, usage or law to the contrary, no tenancy shall be terminated before the expiry of a period of five years except on the grounds mentioned in section 15:

Provided that with the consent of the landlord any tenancy may be terminated by a tenant before the expiry of a period of five years by surrendering his interest as a tenant in favour of the landlord.

Maximum rent.

6. (1) Notwithstanding any agreement, usage, decree or order of a court or any law, the maximum rent payable in respect of any period after the date of coming into force of this Act by a tenant for the lease of any land shall not exceed one-half of the crop or crops raised on such land or its value as determined in the prescribed manner:

1. Substituted by Act 5 of 1954.

Provided that where the tenant does not cultivate the land the rent payable shall be the reasonable rent to be fixed by the Amildar.

(2) The Government may, by notification in the *Mysore Gazette*, fix a lower rate of the maximum rent payable by the tenants of lands situate in any particular area or may fix such rate on any other suitable basis as they think fit.

Rent.

7. The rent payable by a tenant shall, subject to the maximum rate fixed under section 6, be the rent agreed upon between such tenant and his landlord or in the absence of any such agreement the rent payable according to the usage of the locality or if there is no such agreement or usage, the reasonable rent.

Calculation of rent payable in kind.

8. Notwithstanding any agreement, usage, decree or order of a court or any law, the rent payable in kind or as a crop-share by a tenant for the lease of any land, shall be specified, in the case of any commodity usually calculated—

(*i*) by measure, in terms of the standard palla of one hundred seers, or

(*ii*) by weight, in terms of the standard maund of nine hundred and sixty tolas ;

and no landlord shall recover or receive rent calculated in any manner other than that specified in this section.

Prohibition of receipt of rent in terms of service or labour.

9. (1) Any landlord receiving any rent from any tenant in terms of service or labour shall, within twelve months from the date of coming into force of this Act, apply to the Amildar for commuting such rent into cash. Such application shall be made in such form as may be prescribed.

(2) On receipt of an application under sub-section (1), the Amildar shall, after holding an inquiry, by order in writing, commute such rent into cash rent.

(3) Notwithstanding anything contained in any agreement, usage, decree or order of a court or any law, no landlord shall recover or receive rent in terms of service or labour from the date of coming into force of this Act.

(*Chapter II—General provisions regarding tenancies*)

Refund of rent recovered in contravention of the provisions of the Act and other penalties.

10. If any landlord recovers rent from any tenant in contravention of the provisions of sections 6, 7 or 9, he shall forthwith refund the excess amount recovered to the tenant and shall be liable to pay such compensation to the tenant as may be determined by the Amildar in this behalf.

Abolition of all cesses, etc.

11. Notwithstanding any agreement, usage or law, it shall not be lawful for any landlord to levy any cess, rate, *mamool*, *huk* or tax or service of any description or denomination whatsoever from any tenant in respect of any land held by him as a tenant other than the rent lawfully due in respect of such land.

Enquiries as regards reasonable rent.

12. (1) For the determination of the reasonable rent of any land the tenant or his landlord may apply in writing to the Amildar. Such application shall be in such form as may be prescribed.

(2) On receipt of an application under sub-section (1), the Amildar shall give notice to the landlord or to the tenant, as the case may be, and after holding an inquiry, shall determine the reasonable rent of the land.

(3) In determining the reasonable rent, regard shall, subject to the provisions of section 6, be had to the following factors :—

(*a*) the rental values of lands used for similar purpose in the locality ;

(*b*) the prices of crops and commodities in the locality ;

(*c*) the improvements made in the land by the landlord or tenant ;

(*d*) the assessment payable in respect of the land ; and

(*e*) such other factors as may be prescribed :

Provided that in determining the reasonable rent the Amildar may commute any rent payable wholly, or partly as a crop-share into cash rent.

(4) A tenant may, at any time during the pendency of proceedings under this section, deposit with the Amildar, or if an appeal has been filed, with the Assistant Commissioner or the Deputy Commissioner, as the case may be, a sum equal to the amount of rent if the rent is payable

in cash or a sum equal to the value of crop-share, if the rent is payable as a crop-share which, if no proceedings had been instituted under this section he would have been liable to pay in respect of the land of which the reasonable rent is to be determined. On the completion of proceedings, the Amildar, the Assistant Commissioner or the Deputy Commissioner shall direct that the amount so deposited or such part of it as is equal to the amount determined as reasonable rent under this section, shall be paid to the landlord and shall make such other order as may be necessary.

(5) Every order passed by the Amildar under this section if not appealed against, and every order passed by the Assistant Commissioner or the Deputy Commissioner in appeal shall hold good for the remaining period of the tenancy and shall not be called in question during that period :

Provided that the Amildar, the Assistant Commissioner or the Deputy Commissioner, as the case may be, may, during such period—

(i) reduce the rent, if on an application made to him by a tenant, the Amildar or the Assistant Commissioner or the Deputy Commissioner, as the case may be, is satisfied that,

(*a*) on account of deterioration of the land by floods or other cause beyond the control of the tenant, the land has been wholly or partially rendered unfit for the purposes of cultivation, or

(*b*) the tenant has with the consent of the landlord incurred any expenditure on account of improvement made on the land, or

(ii) enhance the rent, if on an application made to him by a landlord, the Amildar or the Assistant Commissioner or the Deputy Commissioner, as the case may be, is satisfied that on account of any improvement made in the land by or at the expense of the landlord or by the Government, the produce of the land is increased.

Reduction of rent.

13. (1) Where the rent payable by a tenant under section 7 is not the reasonable rent, the Amildar may reduce the rent, if on an application made to him by a

tenant, the Amildar is, after notice to the landlord and after an enquiry, satisfied—

(*a*) that the circumstances specified in sub-clause (*a*) or (*b*) of clause (i) of the proviso to sub-section (5) of section 12 exist ; or

(*b*) that on account of any pest or other cause beyond the control of the tenant, the crop has been wholly or partially damaged.

(2) Every order of an Amildar under sub-section (1) shall specify the period during which the reduced rent shall be operative : provided that no order reducing the rent on the ground specified in clause (*b*) of sub-section (1) shall be made applicable to any period other than the year in which the crop was damaged.

(3) Every order passed by the Amildar under this section if not appealed against and every order passed by the Assistant Commissioner or Deputy Commissioner on appeal or second appeal, as the case may be, shall hold good for the period specified in the order and shall not be called in question during that period.

Suspensions or remissions of rent.

14. (1) Notwithstanding anything contained in section 87-A of the Mysore Land Revenue Code, 1888, whenever from any cause, the payment of the whole land revenue payable to Government by a landlord in respect of any land, is suspended or remitted, the landlord shall suspend or remit, as the case may be, the payment to him of the rent of such land by his tenant. If, in the case of such land, the land revenue is partially suspended or remitted, the landlord shall suspend or remit the rent payable by the tenant of such land in the same proportion.

(2) If no land revenue is payable to Government in respect of such land and if from any cause the payment of the whole or any part of the land revenue payable to Government in respect of any other land in the neighbourhood of such land has been suspended or remitted, the Deputy Commissioner shall, subject to the general or special orders of Government, in the manner provided in sub-section (1), suspend or remit, as the case may be, the payment to the landlord of the rent or part of it due in respect of such land.

(*Chapter II—General provisions regarding tenancies*)

(3) No application for assistance under sections 97 and 98 of the Mysore Land Revenue Code, 1888, shall be entertained, no suit shall lie and no decree of a civil court shall be executed for recovery by a landlord of any rent, the payment of which has been remitted, or during the period for which the payment of such rent has been suspended under this section. The period during which the payment of rent is suspended under this section shall be excluded in computing the period of limitation prescribed for any suit or proceeding for the recovery of such rent.

(4) Notwithstanding anything contained in sections 97 and 98 of the Mysore Land Revenue Code, 1888, the Deputy Commissioner shall, in passing an order under section 98 of the said Code, for rendering assistance to the landlord, allow to the tenant a set-off for the sum, if any, paid by such tenant to the landlord in excess of the amount of rent due from him after deducting the amount required to be remitted under sub-section (1) or sub-section (2) of this section or under section 87-A of the said Code. The set-off under this sub-section shall be allowed only in respect of the sums paid by such tenant to such landlord during a period of three years immediately preceding the date of the application made under section 97 of the said Code.

(5) If any landlord fails to suspend or remit the payment of rent as provided in this section, he shall be liable to refund to the tenant the amount recovered by him in contravention of this section. The tenant may apply to the Amildar for the recovery of the amount and the Amildar may, after making an inquiry, make an order for the refund.

Termination of tenancy.

15. (1) Notwithstanding any agreement, usage, decree or order of a court of law, the tenancy of any land held by a tenant shall not be terminated, unless such tenant,

(*a*) (i) has failed to pay the rent of such land for any year, or

(ii) if an application for the determination of reasonable rent is pending before the Amildar or the Assistant Commissioner or the Deputy Commissioner under section 12, has failed to deposit with the Amildar or the Assistant Commissioner or the Deputy Commissioner, as the case may be, a sum equal to

the amount of rent which he would have been liable to pay for that year if no such application had been made, or

(iii) in case the reasonable rent determined under section 12 is higher than the sum deposited by him, has failed to pay the balance due from him within two months from the date of the decision of the Amildar or the Assistant Commissioner or the Deputy Commissioner, as the case may be,

(*b*) had done any act which is destructive or permanently injurious to the land;

(*c*) has sub-divided the land;

(*d*) has sub-let the land or failed to cultivate it personally;

(*e*) has left the land fallow; or

(*f*) has used such land for a purpose other than agriculture.

(2) In the case of a tenant, the duration of whose tenancy is for a period of five years or more, the tenancy shall terminate at the expiration of such period, unless the landlord has, by the acceptance of rent or by any other act or conduct of his, allowed the tenant to hold over within the meaning of section 116 of the Transfer of Property Act, 1882.

(3) Notwithstanding anything contained in sub-section (1), the tenancy of any land held by a tenant who is a widow or a minor or who is subject to physical or mental disability, shall not be liable to be terminated under the said sub-section, only on the ground that such land has been sub-let on behalf of the said tenant.

Termination of tenancy where tenant has held land continuously for twelve years or more.

16. (1) Notwithstanding anything to the contrary contained in this Act, or any other law for the time being in force or any agreement, usage, decree or order of a court the tenancy of any land held by a tenant continuously for a period exceeding twelve years prior to the 1st day of April 1951 shall not be terminated, except on any one or more of the grounds specified in sub-section (1) of section 15, or on the ground that the landlord requires the land for cultivating personally.

(2) The tenancy shall be terminated in respect only of such area not being less than one half of the area of cultivable land held by the tenant under the said landlord as may be determined by such authority and in such manner as may be prescribed, after a period of not less than one year from the date of notice expiring with the end of the year.

(3) If after the landlord has taken possession of the land after the termination of the tenancy on the ground that he requires the land for cultivating personally, he fails to cultivate it personally within a period of two years from the date on which he obtained possession of the land, the landlord shall forthwith restore possession of the land to the tenant whose tenancy was terminated by him, unless he has obtained from the tenant his refusal in writing to accept the tenancy on the same terms and conditions or has offered in writing to give possession of the land to the tenant on the same terms and conditions and the tenant has failed to accept the offer within three months of the receipt thereof.

(4) After the tenant has recovered possession under sub-section (3) he shall, subject to the provisions of this Act, hold such land on the same terms and conditions on which he held it at the time his tenancy in respect of such land was terminated.

(5) If the landlord has failed to restore possession as provided in sub-section (3) he shall be liable to pay such compensation to the tenant as may be determined by the Amildar for the loss suffered by the tenant on account of eviction.

Tenancy deemed to be renewed for five years if the tenant allowed to hold over.

17. Where the period of tenancy of any tenant has expired and if such tenant has been allowed to hold over under sub-section (2) of section 15, the tenancy of such tenant shall be deemed to have been renewed for a further period of five years from the date of its expiry on the same terms and conditions as before.

Bar to eviction from dwelling house.

18. If, in any village, a tenant is in occupation of a dwelling house built prior to the commencement of this Act at the expense of such tenant, or his predecessor-in-title on a site belonging to his landlord, such tenant shall not be evicted from such dwelling house (with the materials

and the site thereof and the land immediately appurtenant thereto and necessary for its enjoyment) unless—

(*a*) the landlord proves that the dwelling house was not built at the expense of such tenant or his predecessor-in-title, and

(*b*) such tenant makes a default in the payment of rent, if any, which he has been paying for the use and occupation of such site.

Tenant to be given first option of purchasing site on which he has built a dwelling house.

19. (1) If a landlord to whom the site referred to in section 18 belongs, intends to sell such site, the tenant, at the expense of whom or whose predecessor-in-title a dwelling house is built thereon, shall be given in the manner provided in sub-section (2), the first option of purchasing the site at a value determined by the Amildar.

(2) The landlord intending to sell such site, shall give notice in writing to the tenant, requiring him to state within three months from the date of service of such notice, whether he is willing to purchase the site.

(3) If, within the period of three months so specified, the tenant intimates in writing to the landlord that he is willing to purchase the site, the landlord shall make an application to the Amildar for the determination of the value of the site. On receipt of such application, the Amildar, after giving notice to the tenant and after holding an enquiry, shall determine the value of the site. The Amildar may, by an order in writing, require the tenant to deposit the amount of value of such site within three months from the date of such order. On the deposit of such amount, the site shall be deemed to have been transferred to the tenant and the amount deposited shall be paid to the landlord. The Amildar shall, on payment of the prescribed fee, grant a certificate in the prescribed form to such tenant specifying therein the site so transferred and the name of such tenant and such certificate on registration shall be conclusive evidence of such transfer.

(4) If the tenant fails to intimate his willingness to purchase the site within the time specified in sub-section (2) or fails to deposit the amount of the value within the time specified in sub-section (3), the tenant shall be

deemed to have relinquished his right of first option to purchase the site and the landlord shall then be entitled to evict the tenant either on payment of such compensation for the value of the structure of such dwelling house as may be determined by the Amildar or allow the tenant at his option to remove the materials of the structure.

(5) Any sale of a site held in contravention of this section shall be null and void.

Eviction from dwelling house built after commencement of the Act.

20. If, in any village, a tenant is in occupation of a dwelling house built after the commencement of this Act at the expense of such tenant on a site belonging to his landlord, the provisions of sections 18 and 19 shall apply only if such dwelling house was built with the permission of the landlord.

Landlord evicting tenant from dwelling house on termination of tenancy to pay compensation or permit removal of structure.

21. Notwithstanding anything contained in sections 18 and 20, where a tenant is in occupation of a dwelling house built at his expense or at the expense of his predecessor-in-title on a site belonging to his landlord and the tenancy of such tenant in respect of the land held by him has been terminated under the provisions of this Act, the landlord shall be entitled to evict the tenant from such dwelling house on the termination of the tenancy in respect of the land, either on payment of such compensation to the tenant for the value of the structure of such dwelling house as may be determined by the Amildar or on allowing the tenant at his option to remove the materials of the structure :

Provided that if the Amildar orders the payment of compensation, the amount of compensation to be paid shall be fixed by the Amildar.

Tenant to be given first option of purchasing land leased to him.

22. (1) If a landlord intends to sell any land leased to a tenant, such tenant shall be given in the manner provided in sub-section (2), the first option of purchasing the land.

(2) The landlord intending to sell the land shall give notice in writing to the tenant specifying the price of such land and requiring the tenant to state within one month from the date of service of such notice whether he is willing to purchase the land at such price.

(3) If, within the period of one month so specified, the tenant intimates in writing to the landlord that he is willing to purchase the land at such price, the landlord shall make an application to the Amildar for recovery and payment of the price. The Amildar shall thereupon, by an order in writing, require the tenant to deposit the amount of the price of such land within one month from the date of such order. On the deposit of such amount the land shall be deemed to have been transferred to the tenant and the amount deposited shall be paid to the landlord. The Amildar shall, on payment of the prescribed fee, grant a certificate in the prescribed form to such tenant declaring him to be the purchaser of the land. Such certificate on registration shall be conclusive evidence of the sale.

(4) If the tenant fails to intimate his willingness to purchase the land within the time specified in sub-section (2) or fails to deposit the amount of the price of the land within the time specified in sub-section (3), the tenant shall be deemed to have relinquished his right of first option to purchase the land and the landlord shall then be entitled to sell the land to any other person at a price not less than the price at which the land was offered to the tenant under sub-section (2).

(5) Any sale of land held in contravention of this section shall be null and void.

Sub-letting of land by or on behalf of person in military, naval or air service of the Union not to terminate tenancy.

23. Notwithstanding anything contained in this Act, or any other law for the time being in force or any agreement or usage,—

(*a*) the tenancy of any land leased by or on behalf of a person in the military, naval or air service of the Union may be terminated—

(i) before the expiry of the period of five years specified in section 5 ; or

(ii) where the tenancy is for a period of more than five years, at any time, before the expiry of such period if such person, on his release from the army, navy or air force, requires the land to cultivate personally ;

(*b*) the tenancy of any land leased to and held by a person in the military, naval or air service of the Union, shall not be liable to be terminated on the ground only that the land has been sub-let by or on behalf of the said person.

Relief against termination of tenancy in certain cases.

24. When any tenancy of any land held by any tenant is terminated on the ground that the tenant has done any act which is destructive or permanently injurious to the land, no proceedings for ejectment against such tenant shall lie unless and until the landlord has served on the tenant, a notice in writing, specifying the act of destruction or injury complained of and the tenant fails, within a period of three months from the service of notice, to restore the land to the condition in which it was before such destruction or injury.

Relief against termination of tenancy for non-payment of rent.

25. Where any tenancy of any land held by any tenant is terminated for non-payment of rent and the landlord files any proceedings to eject the tenant, the Amildar shall call upon the tenant to tender to the landlord the rent in arrears together with the cost of the proceedings, within such reasonable time not exceeding one year as the Amildar may specify and if the tenant complies with such order, the Amildar shall, in lieu of making an order for ejectment pass an order directing that the tenancy had not been terminated and thereupon the tenant shall hold the land as if the tenancy had not been terminated :

Provided that nothing in this section shall apply to any tenant whose tenancy is terminated for non-payment of rent if he has failed for any two years to pay rent within the period specified in section 15.

Receipts for rent.

26. (1) In the absence of an express intimation in writing to the contrary by a tenant, every payment made by a tenant to the landlord shall be presumed to be a payment on account of rent due by such tenant for the year in which the payment is made.

(2) Every landlord shall on the written request of the tenant give a written receipt for the amount of rent at the time when such amount is received by him in respect of any land in such form and in such manner as may be prescribed.

(Chapter II—General provisions regarding tenancies)

Sub-division, sub-letting and assignment prohibited.

27. No sub-division or sub-letting of the land or assignment of any interest held by a tenant shall be valid. Such sub-division, sub-letting or assignment shall make the tenancy liable to termination :

Provided that nothing in this sub-section shall prejudicially affect the rights of a permanent tenant or any tenant the duration of whose tenancy is presumed to be co-extensive with the duration of the tenure of the landlord under section 79 of the Mysore Land Revenue Code, 1888 or any tenant the duration of whose tenancy exceeds twenty years.

Bar to attachment, seizure or sale by process of court.

28. Save as expressly provided in this Act, any interest in the land held by a tenant, shall not be liable to be attached, seized or sold in execution of a decree or order of a civil court.

Bar to interference with cultivation, etc.

[1][**28-A.** (1) No landlord either himself or through any person acting on his behalf shall, save in accordance with any law for the time being in force, interfere with the cultivation of the land leased to a tenant or deprive him of possession of such land.

(2) If any landlord contravenes the provisions of sub-section (1), the tenant may apply in writing to the Amildar complaining of such contravention.

(3) On receipt of an application under sub-section (2) the Amildar shall, after holding an enquiry and without prejudice to any action against the landlord under section 42, pass such order on the application as the Amildar deems fit including a direction to the landlord for the payment of such compensation to the tenant as the Amildar may determine.]

Procedure of taking possession.

29. (1) A tenant or landlord entitled to possession of any land or dwelling house under any of the provisions of this Act, may apply in writing for such possession, to the Amildar. The application shall be made in such form as may be prescribed.

1. Inserted by Act 5 of 1954.

(2) No landlord shall during the period of tenancy obtain possession of any land held by a tenant except under an order of the Amildar. For obtaining such order, he shall make an application in the prescribed form.

(3) On receipt of an application under sub-section (1) or (2), the Amildar shall, after holding an enquiry, pass such order thereon, as he deems fit.

(4) Any person taking possession of any land or dwelling house except in accordance with the provisions of sub-section (1) or (2), as the case may be, shall be liable to forfeiture of crops, if any, grown on the land in addition to payment of costs as may be directed by the Amildar or by the Assistant Commissioner or by the Deputy Commissioner and also to the penalty prescribed in section 42.

Procedure for recovery of rent.

30. (1) Notwithstanding anything contained in any agreement or in any law, proceedings by a landlord for recovery of rent payable to him by a tenant shall be only by means of an application to the Amildar. Such application may be in such form as may be prescribed.

(2) On receipt of the application under sub-section (1), the Amildar shall, after holding an enquiry, pass such order thereon, as he deems fit.

(3) The provision of section 98 of the Mysore Land Revenue Code, 1888, shall apply to the recovery of the rent ordered to be paid under sub-section (2).

Act not to affect rights or privileges of tenant under any other law.

31. Save as otherwise provided in section 27, no other provision contained in this Act shall be construed to limit or abridge the rights or privileges of any tenant under any usage or law for the time being in force or arising out of any contract, grant, decree or order of a court or otherwise howsoever.

(Chapter III—Procedure and jurisdiction of Amildar and Appeals)

CHAPTER III.

PROCEDURE AND JURISDICTION OF AMILDAR AND APPEALS.

Duties of the Amildar.

32. For the purposes of this Act, the following shall be the duties and functions to be performed by the Amildar:—

(*a*) to decide whether a person is an agriculturist;

(*b*) to decide whether a person is a tenant;

(*c*) to determine the value of the crop of the land under section 6;

(*d*) to determine the amount of the commutation of the rent received in terms of labour or service under section 9;

(*e*) to determine the amount of compensation under section 10 for the contravention of sections 6, 7 and 9;

(*f*) to decide what is the reasonable rent under section 12;

(*g*) to determine the amount to be refunded to a tenant under sub-section (5) of section 14;

(*h*) to determine the value of the site of a dwelling house under section 19;

(*i*) to take action in respect of the transfer of land to a tenant under section 22;

(*j*) to decide disputes relating to recovery of rents under section 30;

(*k*) to take measures for putting the tenant or landlord into the possession of the land or dwelling house under the Act; and

(*l*) to decide such other matters as may be referred to him by or under this Act.

Commencement of proceedings.

33. Save as expressly provided by or under this Act, all inquiries and other proceedings before the Amildar, shall be commenced by an application which shall contain such particulars as may be prescribed.

Procedure.

34. In all inquiries and proceedings commenced on the presentation of application under section 33, the Amildar shall exercise the same powers as under Chapter XII of the Mysore Land Revenue Code, 1888, and shall follow

the provisions of the said Code. In regard to matters which are not provided for in the said Code, the Amildar shall follow such procedure as may be prescribed. Every decision of the Amildar shall be recorded in the form of an order which shall state reasons for such decision.

Execution of order for payment of money or for restoring possession.

35. (1) Any sum the payment of which has been directed by an order of the Amildar including an order awarding costs shall be recoverable from the person ordered to pay the same as an arrear of Land Revenue.

(2) An order of the Amildar awarding possession or restoring possession or use of any land shall be executed in such manner as may be prescribed.

Appeals.

36. (1) An appeal may be filed to the Assistant Commissioner having jurisdiction against the orders of the Amildar under this Act and a second appeal may be filed to the Deputy Commissioner against the orders of the Assistant Commissioner on such appeal.

(2) Save as otherwise provided in this Act, the provisions of Chapter XIII of the Mysore Land Revenue Code, 1888, shall apply to appeals to the Assistant Commissioner or to the Deputy Commissioner under this Act. The Assistant Commissioner and the Deputy Commissioner shall on appeal have power to award costs.

Revision.

37. (1) An application for revision may be made to the Government against any order of the Deputy Commissioner on the following grounds only:—

(*a*) that the order of the Deputy Commissioner was contrary to law;

(*b*) that the Deputy Commissioner failed to determine some material issue of law; or

(*c*) that there was a substantial defect in following the procedure provided by this Act, which has resulted in the miscarriage of justice.

(2) In deciding applications under this section, the Government shall follow such procedure as may be prescribed.

(Chapter III—Procedure and jurisdiction of Amildar and Appeals)

Court-fees.

38. Notwithstanding anything contained in the Mysore Court-fees Act, 1900, every application of appeal made under this Act to the Amildar, the Assistant Commissioner, Deputy Commissioner or the Government, shall bear a court-fee stamp of such value as may be prescribed.

Orders in appeal or revision.

39. (1) The Assistant Commissioner or the Deputy Commissioner in appeal and the Government in revision may confirm, modify or rescind the order in appeal or revision or its execution or may pass such other order as may seem legal and just in accordance with the provisions of this Act.

(2) The orders of the Assistant Commissioner or the Deputy Commissioner in appeal or of the Government in revision shall be executed in the manner provided for the execution of the orders of the Amildar under section 35.

Limitation.

40. (1) Every appeal under this Act from an order of the Amildar or the Assistant Commissioner shall be filed within a period of thirty days from the date of such order.

(2) Every application for revision under this Act from the order of the Amildar or the Assistant Commissioner or the Deputy Commissioner, as the case may be, shall be filed within a period of sixty days from the date of the order.

(3) The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal or application for revision.

Inquiries and proceedings to be judicial proceedings.

41. All inquiries and proceedings before the Amildar, the Assistant Commissioner, the Deputy Commissioner, and the Government, shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of Indian Penal Code.

CHAPTER IV.

OFFENCES AND PENALTIES.

Offences and penalties.

42. (1) Whoever contravenes any provision of any of the sections, sub-sections or clauses mentioned in the first column of the following table shall, on conviction for each such offence, be punishable with fine which may extend to the amount mentioned in that behalf in the third column of the said table :—

Section, sub-section or clause	Subject	Maximum fine which may be imposed
		Rs.
Section 5 (2)	Termination of tenancy by a landlord before the expiry of the period of five years.	250
Section 8	Recovery of rent in kind or by way of crop-share contrary to section 8.	100
Section 9 (3)	Receipt of rent in form of labour or service.	250
Section 11	Levy of cess, rate, *mamool*, *huk*, tax or service.	250
Section 26 (2)	Failure to give written receipt for the amount of rent received.	100
[1][Section 28A (1).	Interference with cultivation of land leased to a tenant or deprivation of possession of such land.	250]
Section [2][29]	Taking possession of land contrary to section 29.	250

(2) All offences under this Act shall be compoundable

1. Inserted by Act 5 of 1954.
2. Substituted by Act 5 of 1954.

CHAPTER V.

MISCELLANEOUS.

Rules.

43. (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for the following matters :—

(*a*) the manner of determining the value of the crop of the land under section 6 ;

(*b*) the penalty to be recovered under section 10 ;

(*c*) the other factors to be taken into consideration for determining reasonable rent under section 12 ;

(*d*) the fees to be paid for the grant of a certificate under sub-section (3) of section 19 and sub-section (3) of section 22 ;

(*e*) the authority and the manner of determining the area in respect of which tenancy may be terminated under item (*b*) of sub-section (2) of section 16 ;

(*f*) the manner and the form in which a receipt is to be given by the landlord under section 26 ;

(*g*) the other procedure to be followed by the Amildar under section 34 ;

(*h*) the value of the court-fee stamp payable on an application to the Amildar or on an application or appeal to the Assistant Commissioner or the Deputy Commissioner under section 38 ;

(*i*) any other matter which is or may be prescribed under this Act.

(3) Rules made under this section shall be subject to the condition of previous publication in the *Mysore Gazette*.

Delegation of powers.

44. The Government may, subject to such restrictions and conditions as they may impose, by notification in the *Mysore Gazette*, delegate to any of their officers, not

below the rank of a Deputy Commissioner, all or any of the powers conferred on them by this Act.

Summary eviction.

45. Any person unauthorisedly occupying or wrongfully in possession of any land,—

(*a*) the transfer of which either by the act of parties or by the operation of law is invalid under the provisions of this Act ; or

(*b*) to the use and occupation of which he is not entitled under the said provisions, and the said provisions do not provide for the eviction of such persons, may be summarily evicted by the Deputy Commissioner.

Bar of jurisdiction.

46. (1) No civil court shall have jurisdiction to settle, decide or deal with any question which is, by or under this Act, required to be settled, decided or dealt with by the Amildar, the Assistant Commissioner, the Deputy Commissioner or the Government, in appeal or revision.

(2) No order of the Amildar, the Assistant Commissioner, the Deputy Commissioner or the Government made under this Act shall be questioned in any civil or criminal court.

Indemnity.

47. No suit or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act.

Act not to apply to certain lands and areas.

48. Nothing in the foregoing provisions of this Act shall apply—

(*a*) to lands belonging to and held on lease from the Government or the Central Government, a local authority or a co-operative society registered or deemed to be registered under the Mysore Co-operative Societies Act, 1948;

(*b*) to any area or to such lands in any area which the Government may, from time to time, by notification in the *Mysore Gazette*, specify as being reserved for urban non-agricultural or industrial development or for any public purpose.

MYSORE ACT No. XIV OF 1952.

THE CODE OF CIVIL PROCEDURE (MYSORE AMENDMENT) ACT, 1952.

(Received the assent of the President on the Sixteenth day of April 1952.)

An Act to amend the Code of Civil Procedure, 1908, in its application to [1][the State of Mysore except Bellary District.]

Preamble.

WHEREAS it is expedient to amend the Code of Civil Procedure, 1908, in its application to [1][the State of Mysore except Bellary District for the purpose hereinafter appearing;

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Code of Civil Procedure (Mysore Amendment) Act, 1952.

(2) It extends to the [1][whole of the State of Mysore except Bellary District.]

(3) It shall be deemed to have come into force on the first day of April, 1951.

Amendment of section 60 of Central Act V of 1908.

2. In the proviso to sub-section (1) of section 60 of the Code of Civil Procedure, 1908, after clause (*p*) the following clause shall be added, namely :—

"(*pp*) where the judgment-debtor is a servant of the State Government who has insured his life under the rules in force relating to the Official Branch of the Mysore Government Life Insurance Department,—

(1) in the case of insurance effected prior to the ninth day of May, 1911, the whole of the bonus payable or paid thereunder to such servant, or in the event of his death to his nominee or other person or persons entitled to such bonus under the said rules; and

---

1. See the Mysore Adaptation of Laws Order, 1958.

(2) in the case of insurance effected on or after the ninth day of May, 1911, and such insurance is compulsory, then the bonus in respect of the compulsory premia payable or paid to such servant, or in the event of his death to his nominee or other person or persons entitled to such bonus under the said rules."

MYSORE ACT No. XV OF 1952.

THE PAYMENT OF WAGES (MYSORE AMENDMENT) ACT, 1952.

(Received the assent of the President on the Fifteenth day of April 1952.)

An Act to amend the Payment of Wages Act, 1936, in its application to [1][the State of Mysore except Bellary District.]

Preamble.

WHEREAS it is expedient to amend the Payment of Wages Act, 1936 (Central Act IV of 1936), in its application to [1][the State of Mysore except Bellary District];

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Payment of Wages (Mysore Amendment) Act, 1952.

(2) It shall come into force at once.

Amendment of section 7 of Central Act IV of 1936.

2. In section 7 of the Payment of Wages Act, 1936, (hereinafter referred to as the said Act),—

(*a*) in sub-section (2), after clause (*k*) the following clauses shall be added, namely :—

"(*l*) deductions to recover from a person re-employed after the termination of his former employment any amount paid to him from a provident fund or as a gratuity on such termination ;

(*m*) deductions specially authorised by the State Government for a purpose beneficial to the employed person."

(*b*) after sub-section (2), the following sub-sections shall be added, namely :—

"(3) Where the wages for any employment are on an incremental basis, the increments of any employed person may for disciplinary reasons, be withheld or his wages may for like reasons be reduced to a lower stage in the scale, provided that in the latter case he shall be given such period of notice for such reduction as is not less than the period of notice required to be given to him under his contract of employment for the termination of his employment.

1. See the Mysore Adaptation of Laws Order, 1953.

(4) Where an employed person is required to perform a class of employment involving a standard of skill or responsibility lower than that involved in the employment in which he is employed for the time being, any diminution in wages by reason of such lower standard of skill or responsibility shall be deemed not to be deducted from wages for the purposes of this Act.

(5) The provisions of sub-sections (1), (2) and (3) of section 8 shall apply to any withholding of increment or reduction referred to in sub-section (3) and where any action such as is referred to in sub-section (4), is taken for disciplinary reasons, to such action, as they apply to the imposition of fines."

Amendment of section 13 of Central Act IV of 1936.

3. In section 13 of the said Act, for the words, letters and brackets, " under clause (*j*) and clause (*k*)", the words, letters and brackets, " under clause (*j*), clause (*k*), clause (*l*) and clause (*m*) " shall be substituted, and for the marginal note, the words " Other deductions " shall be substituted.

MYSORE ACT No. XVI OF 1952.

THE MYSORE LABOUR (ADMINISTRATION) ACT, 1952.

(Received the assent of the President on the Eighth day of May 1952.)

An Act to make provision for the administration of the Labour Department in the State of Mysore and for certain other matters.

Preamble.

WHEREAS it is expedient to make provision for the administration of the Labour Department in the State of Mysore and for certain other matters;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Mysore Labour (Administration) Act, 1952.

(2) It shall be deemed to have come into force on the first day of April 1951.

Definitions.

2. In this Act,—

(1) "Assistant Commissioner" means an Assistant Commissioner of Labour in Mysore;

(2) "Commissioner" means the Commissioner of Labour in Mysore;

(3) "Government" means the State Government;

(4) "Local area" means any area notified as such by the Government.

Appointment of Commissioner and Assistant Commissioners and their powers and duties.

3. (1) The Government shall, by notification in the *Mysore Gazette*, appoint a person to be the Commissioner. His jurisdiction shall extend throughout the State of Mysore.

(2) The Commissioner shall exercise such powers and perform such duties as may be conferred or imposed on him by or under any law for the time being in force, in Mysore.

(3) The Government may, by notification in the *Mysore Gazette*, appoint Assistant Commissioners for any local area or areas. Such Assistant Commissioners shall, subject to the control and supervision of the Commissioner, exercise such of the powers and perform such of the duties of the Commissioner as may be delegated by him.

Repeal of Mysore Act XIII of 1942 and savings.

4. The Mysore Labour Act, 1942, is hereby repealed:

Provided that any appointment or delegation made under the said Act shall be deemed to have been made under this Act:

Provided further that all labour associations registered under the said Act shall be deemed to be trade unions registered under the Indian Trade Unions Act, 1926 (Central Act XVI of 1926).

MYSORE ACT No. XIX OF 1952.

THE MYSORE MINISTERS SALARIES AND ALLOWANCES ACT, 1952.

(AS AMENDED BY ACT 19 OF 1953.)

(Received the assent of His Highness the Rajpramukh on the First day of August 1952.)

An Act to provide for the salaries and allowances of the Ministers of the Mysore State and for matters connected therewith.

Whereas it is expedient to provide for the salaries and allowances of the Ministers of the Mysore State and for matters connected therewith ; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Ministers Salaries and Allowances Act, 1952. Short title and commencement.

(2) It shall come into force at once.

2. In this Act, Definitions.

(*a*) "Government" means the State Government ;

[1][(aa) 'highest class' in relation to journeys by train includes air-conditioned compartments available in the train ;]

(*b*) (*i*) "maintenance" in relation to a residence includes the provision of electricity and water and the payment of local rates, taxes, sanitary charges and the salaries and allowances of butlers, gardeners and other servants appointed by the Government to be the staff attached to such residence ;

(*ii*) "maintenance" in relation to a conveyance includes the payment of the salaries and allowances of the chauffeur or other person appointed by Government to be in charge of the conveyance and the expenses necessary for keeping the conveyance in proper working order,

1. Inserted by Act 19 of 1953.

other than the expenses in respect of such matters as may be prescribed;

(*c*) "Minister" includes the Chief Minister;

(*d*) "prescribed" means prescribed by rules made under this Act;

(*e*) "residence" includes the staff-quarters and other buildings appurtenant thereto and the gardens thereof.

Salaries and allowances of Ministers.

3. (1) There shall be paid to the Chief Minister and each of the other Ministers of the Mysore State, a salary of rupees nine hundred per mensem, a conveyance allowance of rupees two hundred and fifty per mensem and a house rent allowance of rupees two hundred and fifty per mensem; but the house rent allowance shall not be paid to any Minister, if such Minister is provided by the Government with a residence in pursuance of sub-section (1) of section 4.

(2) There shall be placed at the disposal of the Chief Minister a sum of rupees five thousand per year as sumptuary allowance.

Residences of Ministers at Bangalore.

4. (1) The Government may provide for the use of each Minister, without payment of rent, a fully furnished residence in the City of Bangalore throughout his term of office, and for a period of fifteen days immediately thereafter, and no charge shall fall on the Minister personally in respect of the maintenance of such residence.

(2) In respect of a residence used by a Minister other than a residence provided under sub-section (1), such office accommodation as the Government may, by order, specify, shall be furnished and maintained at State expense.

Accommodation to Ministers at Mysore.

5. The Government may provide in the City of Mysore for the use of the Chief Minister a fully furnished residence, and for the use of each of the other Ministers a fully furnished residence or other accommodation, without payment of rent, and no charge shall fall on the Chief Minister or other Ministers personally in respect of the maintenance of such residence or accommodation.

Conveyances for Ministers.

6. The Government may purchase and provide suitable conveyances for the use of each Minister and save as otherwise provided by rules made by the Government, no

charge shall fall on the Minister personally in respect of the maintenance and upkeep of such conveyance.

Travelling and other allowances to the Ministers.

7. (1) Every Minister shall be entitled while touring on duty connected with his office to travelling and daily or other allowance at the rates and upon the conditions, specified in this section.

(2) While touring on official business within the State every Minister shall be entitled—

[1][(*a*) for journeys by train,

(i) to a single fare of the highest class or the class by which he actually travels and to an allowance for incidental charges calculated at the rate of three annas per mile, and four third class fares for personal servants and charges for luggage; provided that the claim is supported by a certificate of the Minister that he actually travelled by train in that class, with the number of servants and the weight of luggage specified in such certificate; and

(ii) if the Minister reserves a compartment of the highest class for himself, and when the journey is performed in the reserved compartment, to the charge for the compartment and to an allowance for incidental charges calculated at the rate of three annas per mile, to four third class fares for personal servants and charges for luggage; provided that the claim is supported by a certificate of the Minister that he reserved a compartment of the highest class and travelled by train with the number of servants and the weight of luggage specified in such certificate:

Provided further that if the Minister travels by road instead of by railway train, the claim is supported by a certificate of the Minister specifying the number of servants travelled and the weight of luggage transported by train.]

(*b*) For journeys by road, whether by the conveyance provided under section 6 or otherwise, to road mileage at eight annas per mile for the first fifty miles and at five annas and four pies per mile for

1. Substituted by Act 19 of 1958.

any distance beyond fifty miles travelled on one day ;

(*c*) to daily allowance at rupees twenty-five per day for the days of halt at any place.

(3) While touring on official business outside the State, every Minister shall be entitled—

[1][(*a*) for journeys by train,

(i) to a single fare of the highest class or the class by which he actually travels and to an allowance for incidental charges calculated at the rate of three annas per mile and four third class fares for personal servants and charges for luggage ; provided that the claim is supported by a certificate of the Minister that he actually travelled in that class, with the number of servants and the weight of luggage specified in such certificate ;

(ii) if the Minister reserves a compartment of the highest class for himself, and when the journey is performed in the reserved compartment to the charge for the compartment and to an allowance for incidental charges calculated at the rate of three annas per mile, to four third class fares for personal servants and charges for luggage ; provided that the claim is supported by a certificate of the Minister that he reserved a compartment of the highest class and travelled by train with the number of servants and the weight of luggage specified in such certificate :

Provided further that if the Minister travels by road instead of by railway train, the claim is supported by a certificate of the Minister specifying the number of servants travelled and the weight of luggage transported by train.]

(*b*) for journeys by air, to one and a half times the single fare paid for such journeys ;

(*c*) for journeys by road, whether by the conveyance provided under section 6 or otherwise, to road mileage at eight annas per mile for the first fifty miles and at five annas and four pies per mile

1. Substituted by Act 19 of 1953.

for any distance beyond fifty miles travelled on one day;

(*d*) to an allowance equal to the actual expenditure incurred by the Minister for lodging, boarding and conveyance during the days of halt at any place, provided the claim is supported by a certificate of the Minister that he incurred the expenditure specified in such certificate.

Medical attendance.

8. Subject to such conditions as may be prescribed, a Minister and the members of his family shall be entitled free of charge, to accommodation in hospitals maintained by the Government and to medical attendance and treatment.

Power to make rules.

9. (1) The Government may make rules for carrying out the purposes of this Act.

(2) All rules made under this section shall be published in the *Mysore Gazette* and on such publication shall have effect as if enacted in this Act.

MYSORE ACT No. XX OF 1952.

THE MYSORE LEGISLATURE SALARIES ACT, 1952.

(AS AMENDED BY ACTS 20 OF 1953 AND 17 OF 1954.)

(Received the assent of His Highness the Rajpramukh on the First day of August 1952.)

An Act to provide for the salaries and allowances of the Speaker and the Deputy Speaker, the Chairman and the Deputy Chairman, and Members of the Legislative Assembly and of the Legislative Council.

Preamble.

WHEREAS it is expedient to provide by an Act of the Legislature for the salaries and allowances of the Speaker and the Deputy Speaker, the Chairman and the Deputy Chairman, and Members of the Legislative Assembly and of the Legislative Council of the Mysore State;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Mysore Legislature Salaries Act, 1952.

(2) It shall come into force at once.

Definitions.

2. In this Act,—

(1) " Chairman " means the Chairman of the Legislative Council and includes any member performing the duties of a Chairman under clause (1) of Article 184 of the Constitution of India ;

(2) " Deputy Chairman " means the Deputy Chairman of the Legislative Council ;

(3) " Government " means the State Government ;

[1][(3a) ' highest class ' in relation to journeys by train includes air-conditioned compartments available in the train ;]

(4) (*i*) ' maintenance ' in relation to a residence includes the provision of electricity and water and the payment of local rates, taxes, sanitary charges and the salaries and allowances of butlers, gardeners and other servants appointed by the Government to be the staff attached to such residence ;

1. Inserted by Act 20 of 1953.

(*ii*) 'maintenance' in relation to a conveyance includes the payment of the salaries and allowances of the chauffeur or other person appointed by Government to be in charge of the conveyance and the expenses necessary for keeping the conveyance in proper working order, other than the expenses in respect of such matters as may be prescribed;

(5) "prescribed" means prescribed by rules made under this Act;

(6) "residence" includes the staff-quarters and other buildings appurtenant thereto, and the gardens thereof;

(7) "Speaker" means the Speaker of the Legislative Assembly and includes any member performing the duties of the Speaker under clause (1) of Article 180 of the Constitution of India.

(8) "Deputy Speaker" means the Deputy Speaker of the Legislative Assembly.

Salaries and allowances of the Speaker and Deputy Speaker.

3. (1) There shall be paid to the Speaker a salary of nine hundred rupees per mensem, a conveyance allowance of two hundred and fifty rupees per mensem, a sumptuary allowance of [1][two thousand and five hundred rupees] per annum and a house rent allowance of two hundred and fifty rupees per mensem; but the house rent allowance shall not be paid to the Speaker if he is provided by the Government with a residence in pursuance of the provisions of sub-section (1) of section 5.

(2) There shall be paid to the Deputy Speaker a salary of three hundred and fifty rupees per mensem.

Salaries and allowances of the Chairman and Deputy Chairman.

4. (1) There shall be paid to the Chairman a salary of nine hundred rupees per mensem, a conveyance allowance of two hundred and fifty rupees per mensem, a sumptuary allowance of one thousand rupees per annum and a house rent allowance of two hundred and fifty rupees per mensem; but the house rent allowance shall not be paid to the Chairman if he is provided by the Government with a residence in pursuance of the provisions of sub-section (1) of section 5.

(2) There shall be paid to the Deputy Chairman a salary of three hundred and fifty rupees per mensem.

1. Substituted by Act 20 of 1953.

Residences of Speaker and Chairman.

5. (1) The Government may provide for the use of the Speaker and of the Chairman without payment of rent, a fully furnished residence in the City of Bangalore throughout their term of office, and for a period of fifteen days immediately thereafter, and no charge shall fall on the Speaker or the Chairman personally in respect of the maintenance of such residence.

(2) In respect of a residence used by the Speaker or Chairman other than a residence provided under sub-section (1), such office accommodation as the Government may, by order, specify, shall be furnished and maintained at State expense.

Conveyances for Speaker and Chairman.

6. The Government may purchase and provide suitable conveyances for the use of the Speaker and the Chairman and save as otherwise provided by rules made by the Government, no charge shall fall on the Speaker or the Chairman personally in respect of the maintenance and upkeep of such conveyance.

Travelling and daily allowances of the Speaker and the Chairman.

7. (1) The Speaker and the Chairman shall be entitled while touring on official business to travelling and daily allowances at the rates and upon the conditions specified in this section.

(2) While touring on official business within the State, the Speaker and the Chairman shall be entitled—

[1][(*a*) for journeys by train,

(i) to a single fare of the highest class or the class by which he actually travels and to an allowance for incidental charges calculated at the rate of three annas per mile, four third class fares for personal servants and charges for luggage; provided that the claim is supported by a certificate of the Speaker or the Chairman, as the case may be, that he actually travelled by train in that class with the number of servants and the weight of luggage specified in such certificate; and

(ii) if the Speaker or the Chairman reserves a compartment of the highest class for himself, and when the journey is performed in the reserved compartment to the charge for the compartment and to an allowance for incidental

1. Substituted by Act 20 of 1953.

charges calculated at the rate of three annas per mile, to four third class fares for personal servants and charges for luggage; provided that the claim is supported by a certificate of the Speaker or the Chairman, as the case may be, that he reserved a compartment of the highest class and travelled by train with the number of servants and the weight of luggage specified in such certificate:

Provided further that if the Speaker or the Chairman travels by road instead of by railway train, the claim is supported by a certificate of the Speaker or the Chairman, as the case may be, specifying the number of servants travelled and the weight of luggage transported by train.]

(*b*) for journeys by road, whether by the conveyance provided under section 6 or otherwise, to road mileage at eight annas per mile for the first fifty miles and at five annas and four pies per mile for any distance beyond fifty miles travelled on one day;

(*c*) to daily allowance at rupees twenty-five per day for the days of halt at any place.

(3) While touring on official business outside the State, the Speaker and the Chairman shall be entitled—

[1][(*a*) for journeys by train,

(i) to a single fare of the highest class or the class by which he actually travels and to an allowance for incidental charges calculated at the rate of three annas per mile, four third class fares for personal servants and charges for luggage; provided that the claim is supported by a certificate of the Speaker or the Chairman, as the case may be, that he actually travelled by train in that class with the number of servants and the weight of luggage specified in such certificate; and

(ii) if the Speaker or the Chairman reserves a compartment of the highest class for himself, and when the journey is performed in the reserved compartment to the charge for the compartment and to an allowance for incidental charges calculated at the rate of three annas

---

[1] Substituted by Act 20 of 1953.

per mile, to four third class fares for personal servants and charges for luggage; provided that the claim is supported by a certificate of the Speaker or the Chairman, as the case may be, that he reserved a compartment of the highest class and travelled by train with the number of servants and the weight of luggage specified in such certificate:

Provided further that if the Speaker or the Chairman travels by road instead of by railway train, the claim is supported by a certificate of the Speaker or the Chairman, as the case may be, specifying the number of servants travelled and the weight of luggage transported by train.]

(*b*) for journeys by air, to one and a half times the single fare paid for such journeys;

(*c*) for journeys by road, whether by the conveyance provided under section 6 or otherwise, to road mileage at eight annas per mile for the first fifty miles and at five annas and four pies per mile for any distance beyond fifty miles travelled on one day;

(*d*) to an allowance equal to the actual expenditure incurred by the Speaker or the Chairman for lodging, boarding and conveyance during the days of halt at any place, provided the claim is supported by a certificate of the Speaker or the Chairman, as the case may be, that he incurred the expenditure specified in such certificate.

Explanation.— 'Official business' for purposes of this section includes attendance at the Convocation of the University of Mysore and attendance at such other conferences and official functions as may be specified, from time to time, by the Rajpramukh.

Travelling and daily allowances of the Deputy Speaker and the Deputy Chairman.

[1][**7-A.** (1) The Deputy Speaker and the Deputy Chairman shall be entitled while touring on official business to travelling and daily allowance at the rates and upon the conditions specified in this section.

(2) While touring on official business within the State, the Deputy Speaker and the Deputy Chairman shall be entitled—

(*a*) for journeys by train, to a single fare of the highest class or the class by which he actually travels and to an allowance for incidental charges calculated at the rate of three annas per mile;

1. Sections 7-A and 7-B inserted by Act 17 of 1954.

(*b*) for journeys by road, to road mileage at eight annas per mile for the first fifty miles and at five annas and four pies per mile for any distance beyond fifty miles travelled on one day ;

(*c*) to daily allowance at rupees fifteen per day for the days of halt at any place.

(3) While touring on official business outside the State, the Deputy Speaker and the Deputy Chairman shall be entitled—

(*a*) for journeys by train, to a single fare of the highest class or the class by which he actually travels and to an allowance for incidental charges calculated at the rate of three annas per mile and one third class fare for a personal servant ; provided that the claim is supported by a certificate of the Deputy Speaker or the Deputy Chairman, as the case may be, that he actually travelled by train in that class with a personal servant ;

(*b*) for journeys by air, to one and one-fourth times the single fare paid for such journeys ;

(*c*) for journeys by road, to road mileage at eight annas per mile for the first fifty miles and at five annas and four pies per mile for any distance beyond fifty miles travelled on one day ;

(*d*) to daily allowance at rupees forty per day for days of halt at Bombay, Calcutta, Delhi and Madras and at rupees twenty-five per day for the days of halt at other places.

Explanation.—' Official business ' for purposes of this section means attendance at conferences, meetings and official functions (other than meetings and tours to which the provisions of section 9 are applicable), as may be specified from time to time by the Rajpramukh.

7-B. The Deputy Chairman and the Deputy Speaker shall, during the days of halt in the City of Bangalore, be provided with fully furnished accommodation, without payment of rent.] Accommodation for Deputy Chairman and Deputy Speaker in Bangalore.

Salaries of members of the Legislative Assembly and the Legislative Council.

8. There shall be paid to every member of the Legislative Assembly or of the Legislative Council a salary of one hundred and fifty rupees per mensem, which shall accrue to a member from the date on which he is declared duly elected or in the case of a member nominated by the Rajpramukh, from the date on which he is so nominated or if such declaration or nomination is made before the vacancy occurs, from the date of occurrence of the vacancy :

Provided that the salary shall not be paid until the member has made and subscribed the oath or affirmation referred to in Article 188 of the Constitution of India.

Travelling and daily allowances of members of the Legislative Assembly and the Legislative Council.

9. Subject to such conditions as may be determined by rules made under this Act,

(*a*) there shall be paid to members of the Legislative Assembly and of the Legislative Council not ordinarily resident within prescribed distances from the place at which their attendance is required [1][in connection with meetings] travelling allowance for journeys by train at the rate of [2][one single fare of the highest class with incidental charges calculated at the rate of three annas per mile] and for journeys by road at eight annas per mile [3][for the first fifty miles and at five annas and four pies per mile for any distance beyond fifty miles travelled on one day] and such members shall also be provided with fully furnished accommodation, without payment of rent, at the place at which their attendance is required;

(*b*) there shall be paid—

(i) to all members daily allowance for attending meetings at the rate of fifteen rupees per diem ;

(ii) to all members entitled to travelling allowance under clause (*a*) daily allowance for the day before and the day after the day of the meeting and where a meeting extends for more than one day, for the day before the day of commencement of the meeting and for the day after the day of conclusion of the meeting.

1. Substituted by Act 17 of 1954.
2. Substituted by Act 20 of 1953.
3. Inserted by Act 17 of 1954.

Explanation.—For the purposes of this section "meeting" means a meeting of the Legislative Assembly or of the Legislative Council or of any Committee of the said Assembly or Council or of both.

[1][(*c*) there shall be paid to members required to tour in connection with their duties as members, travelling allowance for journeys at the rates specified in clause (*a*) and daily allowance at rupees fifteen per diem for the days of halt at any place.]

Minister, Speaker and Deputy Speaker, and Chairman and Deputy Chairman, not to draw salaries as members.

10. (1) A Minister, the Speaker or the Chairman shall not—

(*a*) during the tenure of his office for which he draws salary and allowances, practise any profession or engage in any trade or undertake for remuneration any employment other than his duties as Minister, Speaker or Chairman, as the case may be, and

(*b*) while he draws salary and allowances for his office, be entitled to any salary or allowances as a member of the Legislative Assembly or of the Legislative Council, as the case may be.

(2) The Deputy Speaker or the Deputy Chairman shall not, while he draws salary for his office, be entitled to any salary as a member of the Legislative Assembly or of the Legislative Council, as the case may be.

Medical Attendance.

[1][**10-A.** Subject to such conditions as may be prescribed, the Speaker, the Chairman and the members of their family shall be entitled free of charge, to accommodation in hospitals maintained by the Government and to medical attendance and treatment].

Saving.

11. Nothing in this Act shall prevent a retired Government servant from drawing his pension in addition to any salary or allowances to which he may be entitled to under this Act.

Power of Government to make rules.

12. (1) The Government shall, as soon as may be, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Government may make rules,

(*a*) prescribing the periods during which and the conditions under which daily allowance may be

1. Inserted by Act 17 of 1954.

drawn by a member of the Legislative Assembly or the Legislative Council ; and

(*b*) prescribing the distances referred to in section 8 for the grant of travelling allowance.

(3) All rules made under this Act shall be published in the *Mysore Gazette* and on such publication shall have effect as if enacted in this Act.

Repeal of Mysore Act II of 1951 [2][and validation of certain expenses.]

13. [1](1) The Mysore Payment of Salaries and Allowances to Members of the Legislative Assembly Act, 1951, is hereby repealed.

[2][(2) Notwithstanding anything contained in the Mysore Payment of Salaries and Allowances to Members of the Legislative Assembly Act, 1951, the accommodation provided without payment of rent to the Members of the Legislative Assembly at the place at which their attendance was required during the period the said Act was in force, shall be deemed to have been validly provided and all expenses incurred in that behalf shall be paid by the State Government.]

---

1. Section 13 re-numbered as sub-section (1) by Act 17 of 1954.
2. Added by Act 17 of 1954.

MYSORE ACT No. XXI OF 1952.

THE MYSORE APPROPRIATION (No. 2) ACT, 1952.

(Received the assent of His Highness the Rajpramukh on the First day of August 1952.)

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State, for the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-three.

WHEREAS it is expedient to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State for the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-three ;

It is hereby enacted as follows :—

1. This Act may be called the Mysore Appropriation (No. 2) Act, 1952. Short title.

2. From and out of the Consolidated Fund of the State, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate [inclusive of the sums specified in column 3 of the Schedule to the Mysore Appropriation (Vote on Account) Act, 1952 (Mysore Act No. XI of 1952)] to the sum of two thousand nine hundred and sixty-nine lakhs, eighty-five thousand and one hundred rupees towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, one thousand nine hundred and fifty-three, in respect of the services specified in column 2 of the Schedule. Issue of Rupees 29,69,85,100 out of the Consolidated Fund of the State for the year 1952-53.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, one thousand nine hundred and fifty-three. Appropriation.

THE SCHEDULE.

(*See* sections 2 and 3.)

1	2	3		
No. of Vote	Services and Purposes	Sums not exceeding		Total
		Voted by the Legislative Assembly	Charged on the Consolidated Fund	
	A. EXPENDITURE MET FROM REVENUE.	Rs.	Rs.	Rs.
1	7 Land Revenue	26,44,000	...	26,44,000
2	8 State Excise Duties	10,33,000	...	10,33,000
3	9 Stamps	2,23,000	...	2,23,000
4	10 Forest	38,73,000	...	38,73,000
5	11 Registration	4,84,000	...	4,84,000
6	12 Charges on account of Motor Vehicles Act ...	6,99,000	...	6,99,000
7	13 Other Taxes and Duties	4,62,000	...	4,62,000
8	18 Other Revenue Expenditure financed from ordinary Revenue	58,40,000	...	58,40,000
9	19 Construction of Irrigation, Navigation, Embankment and Drainage Works	28,14,000	...	28,14,000
10	22 Interest on Debt and other obligations	37,25,000	53,15,000	90,40,000
	23 Appropriation for Reduction or avoidance of Debt ...	...	30,00,000	30,00,000
11	25 General Administration (except B., C. and F.) ..	31,88,700	4,28,300	36,17,000
12	25 Do (B. Parliament and the State Legislature and C. Elections for Legislature).	7,73,200	16,800	7,90,000
13	25 General Administration (F. District Administration) ...	34,50,000	...	34,50,000
14	27 Administration of Justice	23,69,000	3,92,000	27,61,000
15	28 Jails and Convict-Settlements	6,78,000	...	6,78,000
16	29 Police	1,08,93,000	...	1,08,93,000
17	36 Scientific Departments	4,45,000	...	4,45,000
18	37 Education	3,37,78,000	...	3,37,78,000
19	38 Medical	98,92,000	...	98,92,000
20	39 Public Health	38,70,000	...	38,70,000
21	40 Agriculture (except Botanical and Other Public Gardens)	52,22,200	...	52,22,200
22	40 (b) Botanical and Other Public Gardens ...	9,17,800	...	9,17,800
23	40A. Rural Development	46,02,000	...	46,02,000
24	41 Veterinary charges	24,08,000	...	24,08,000
25	42 Co-operation	6,63,000	...	6,63,000
26	43 Industries and Supplies (except Sericulture) ...	5,36,04,900	...	5,36,04,900
27	43 a-d. Sericulture	8,95,100	...	8,95,100
28	47 Miscellaneous Departments	12,72,000	...	12,72,000
29	50 Civil Works	2,64,20,000	...	2,64,20,000
30	54 Famine Relief	20,00,000	...	20,00,000
31	54A. Territorial and Political Pensions	2,84,500	...	2,84,500
32	55 Superannuation Allowances and Pensions ...	43,38,000	73,000	44,11,000
33	56 Stationery and Printing	16,76,000	...	16,76,000
34	57 Miscellaneous	13,82,000	...	13,82,000
35	63 Extraordinary Charges	42,89,000	...	42,89,000
36	X Forest—3. (i) Wood Preservation Plant—Working Expenses and Seigniorage.	3,00,000	...	3,00,000
37	XVII I.N.E. and D. Works for which Capital accounts are kept—Working expenses.	28,04,500	...	28,04,500
38	XLI Receipts from Electricity Schemes—Working Expenses.	1,20,77,000	...	1,20,77,000
39	XLVI-A. Receipts from Road Transport Schemes—Working Expenses.	36,80,000	...	36,80,000
	Total Expenditure met from Revenue ...	21,99,69,900	92,25,100	22,91,95,000
	Total Carried Over ...	21,99,69,900	92,25,100	22,91,95,000

1	2	3		
No. of Vote	Services and Purposes	Sums not exceeding		Total
		Voted by the Legislative Assembly	Charged on the Consolidated Fund	
		Rs.	Rs.	Rs.
	Total Brought Forward ...	21,99,69,900	92,25,100	22,91,95,000
	B. CAPITAL OUTLAY NOT MET FROM REVENUE.			
40	68 Construction of I.N.E. and D. Works Outside the Revenue Account.	1,22,99,000	...	1,22,99,000
41	72 Capital Outlay on Industrial Development ...	1,41,00,000	...	1,41,00,000
42	81-A. Capital Outlay on Electricity Schemes ...	1,85,00,000	...	1,85,00,000
43	82-B. Capital outlay on Road Transport Schemes ...	6,00,000	...	6,00,000
44	85-A. Capital Outlay on Provincial Schemes of State Trading.	1,35,00,100	...	1,35,00,100
	Total Capital Outlay not met from Revenue ..	5,89,99,100	...	5,89,99,100
	C. DISBURSEMENT OF ADVANCES (WITH INTEREST) AND LOANS.			
	ADVANCES AND LOANS.			
45	R. Loans and Advances by the State Government ...	87,91,000	...	87,91,000
	Grand Total ...	28,77,60,000	92,25,100	29,69,85,100

MYSORE ACT No. XXIII OF 1952.

THE MYSORE RESTRICTION OF HABITUAL OFFENDERS ACT, 1952.

(Received the assent of His Highness the Rajpramukh on the thirtieth day of August 1952.)

An Act for imposing certain restrictions on habitual offenders in [1][the State of Mysore except Bellary District].

Preamble.

WHEREAS it is expedient to impose certain restrictions on habitual offenders in [1][the State of Mysore except Bellary District] ;

It is hereby enacted as follows:—

Preliminary.

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Restriction of Habitual Offenders Act, 1952.

(2) It extends to the [1][whole of the State of Mysore except Bellary District.]

(3) This section shall come into force at once ; and the rest of this Act shall come into force on such date as the Government may, by notification in the *Mysore Gazette*, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) " Government " means the State Government ;

(2) " habitual offender " means a person who, before or after the commencement of this Act, has been sentenced to a substantive term of imprisonment, such sentence not having been set aside in appeal

1. See the Mysore Adaptation of Laws Order, 1953.

or revision, on not less than three occasions, for one or another of the offences under the Indian Penal Code, set forth in the Schedule, each of the subsequent sentences having been passed in respect of an offence committed after the passing of the sentence on the previous occasion;

Explanation.—The passing of an order requiring a person to give security for good behaviour with reference to section 110 of the Code of Criminal Procedure, 1898, shall be deemed to amount to the passing of a sentence of substantive term of imprisonment within the meaning of this clause.

(3) "notification" means a notification published in the *Mysore Gazette*;

(4) "notified offender" means a habitual offender in respect of whom a notification has been issued under section 3 and is in force;

(5) "prescribed" means prescribed by rules made under this Act;

(6) "Schedule" means the Schedule to this Act;

(7) "settlement" means a settlement established or deemed to be established under section 8.

Notification of offenders and restrictions of their movements.

3. (1) The Government may, by notification— Power of Government to notify habitual offenders.

(*a*) if they are satisfied that any person is a habitual offender, declare that he shall be subject to the provisions of this Act to such extent and subject to such restrictions, if any, as may be specified in the notification;

(*b*) cancel or modify any such declaration.

(2) Before any notification is issued in respect of any person under clause (*a*) of sub-section (1) or modified to his disadvantage under clause (*b*) of sub-section (1), a reasonable opportunity shall be given to him to show cause against such issue or modification.

Delegation of powers to District Magistrate.

4. The Government may, by notification, delegate their powers under section 3 to a District Magistrate, in respect of persons ordinarily residing in his district, subject to such restrictions and conditions, as may be specified in the notification, and subject also to control and revision by them.

Notified offenders to intimate residence or change of residence.

5. Every notified offender shall intimate to such authority and in such manner as may be prescribed, his place of residence, every change or intended change thereof, and every absence or intended absence therefrom:

Provided that the District Magistrate, or any officer authorised by him, may exempt any such offender from reporting any temporary absence or intended absence from his residence, not exceeding such limit as may be prescribed.

Power to restrict movements of notified offenders.

6. (1) If in the opinion of the Government it is expedient to do so, they may, by notification, declare that any notified offender shall be restricted in his movements to a specified area.

(2) Before making any such declaration, the Government shall consider—

(i) the nature of the offences, if any, of which the offender has been convicted and the circumstances in which they were committed;

(ii) whether the offender follows any lawful occupation, and whether such occupation is a real one or merely a pretence for facilitating the commission of offences;

(iii) the suitability of the area to which his movements are to be restricted;

(iv) the manner in which it is proposed that he should earn his living in such area, and the adequacy of the arrangements therefor.

Power to cancel or alter such restrictions.

7. The Government may, by notification, cancel any declaration made under section 6 or alter any area notified under that section or this section; and the District Magistrate may, by order in writing, alter any area

notified under section 6 or this section into any other area situated in his district :

Provided that before issuing any such notification or order, the Government or the District Magistrate shall consider the matters referred to in sub-section (2) of section 6, in so far as they may be applicable.

Settlements.

Power to place notified offenders in settlements.

8. The Government may establish industrial, agricultural or reformatory settlements, and may order any notified offender to be placed in any such settlement.

Power to discharge or transfer persons from settlements.

9. The Government, or any officer authorised by them, may at any time, by order, direct any notified offenders who may be in a settlement to be discharged, or transferred to any other settlement.

Power to subject voluntary residents in settlements to restrictions and penalties.

10. The Government may, by order, direct that any person voluntarily residing in any settlement shall be subject to all or any of the restrictions and penalties imposed by or under this Act on a notified offender placed in such settlement.

Rules.

Power to make rules.

11. (1) The Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate—

(*a*) all matters required or allowed by this Act to be prescribed ;

(*b*) the restrictions to be observed by notified offenders in respect of whom notifications or orders have been issued under section 6 or section 7 ;

(*c*) the grant of certificates of identity to notified offenders, and the inspection of such certificates ;

(*d*) the conditions under which notified offenders may be permitted to leave the area to which their movements are restricted or the places in which they are settled ;

(*e*) the inspection of the residences of notified offenders ;

(*f*) the terms upon which notified offenders may be discharged from the operation of this Act ;

(*g*) the management and supervision of settlements including the discipline and conduct of the persons placed in them ;

(*h*) the periodical review of the cases of all persons who have been placed in any settlement under this Act.

(3) All rules made under this section shall be published in the *Mysore Gazette* and upon such publication shall have effect as if enacted in this Act.

Penalties and Procedure.

Penalties.

12. Any notified offender who contravenes any of the provisions of this Act or any notification, rule or order made thereunder shall be punishable—

(*a*) on a first conviction, with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both ;

(*b*) on a second or subsequent conviction, with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

Arrest of notified offenders.

13. If a notified offender—

(*a*) is found outside the area to which his movements have been restricted, in contravention of the conditions under which he is permitted to leave such area, or

(*b*) escapes from any settlement in which he has been placed,

he may be arrested without warrant by any police officer, village headman or village watchman. If the offender is arrested, he shall be informed, as soon as may be, of the grounds for such arrest and shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrest, excluding the time necessary for the journey from the place of arrest to the Court of the Magistrate and the offender shall not be detained beyond the said period without the authority of a Magistrate. The Magistrate shall, on production of the offender and

on proof of the facts, order him to be removed to such area or to such settlement, there to be dealt with in accordance with this Act and any rules made thereunder.

Rules for the removal of prisoners to apply in certain cases.

14. Every law or rule for the time being in force governing the removal of prisoners shall apply to all persons ordered to be placed in a settlement under section 8 or to be removed under section 13:

Provided that no order from the Government or the Inspector-General of Prisons shall be necessary for the removal of such persons.

Miscellaneous.

Bar of jurisdiction.

15. No Court shall question the validity of any notification (other than one under section 3), or order, issued under this Act.

Effect of certain orders passed under the Criminal Tribes Act, 1916, etc.

16. (1) In respect of every person who stood registered under the Mysore Criminal Tribes Act, 1916 (hereinafter in this section referred to as the said Act), at the commencement of this Act and who, within a period of five years immediately preceding such commencement, had been either ordered to give security for good behaviour with reference to section 110 of the Code of Criminal Procedure, 1898, or convicted of an offence under section 24 of the said Act or of a non-bailable offence under any other law, a notification shall be deemed to have been issued under sub-section (1) of section 3 of this Act declaring him to be subject to all the provisions of this Act; and this Act shall apply to every such person accordingly.

(2) Any notification or order issued or made under the said Act in respect of any person referred to in sub-section (1) and in force at the commencement of this Act, restricting the movement of such person or placing him in a settlement shall be deemed to have been issued or made under this Act.

(3) All settlements established under section 16 of the said Act and existing at the commencement of this Act shall be deemed to have been established under section 8 of this Act.

(The Schedule)

THE SCHEDULE.

[*See section 2 (2)*].

CHAPTER XII.

Sections.

231. Counterfeiting coin.
232. Counterfeiting Indian coin.
233. Making or selling instrument for counterfeiting coin.
234. Making or selling instrument for counterfeiting Indian coin.
235. Possession of instrument or material for the purpose of using the same for counterfeiting coin.
239. Delivery of coin, possessed with the knowledge that it is counterfeit.
240. Delivery of Indian coin possessed with the knowledge that it is counterfeit.
242. Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.
243. Possession of Indian coin by a person who knew it to be counterfeit when he became possessed thereof.

CHAPTER XVI.

299. Culpable homicide.
307. Attempt to murder.
308. Attempt to commit culpable homicide.
310. Being a thug.
322. Voluntarily causing grievous hurt.
326. Voluntarily causing grievous hurt by dangerous weapons or means.
327. Voluntarily causing hurt to extort property or to constrain to an illegal act.
328. Causing hurt by means of poison, etc., with intent to commit an offence.
329. Voluntarily causing grievous hurt to extort property or to constrain to an illegal act.
332. Voluntarily causing hurt to deter public servant from his duty.
333. Voluntarily causing grievous hurt to deter public servant from his duty.
369. Kidnapping or abducting child under ten years with intent to steal from its person.

CHAPTER XVII.

382. Theft after preparation made for causing death, hurt or restraint, in order to the committing of the theft.
383. Extortion.
385. Putting person in fear of injury in order to commit extortion.
386. Extortion by putting a person in fear of death or grievous hurt.
387. Putting person in fear of death or of grievous hurt in order to commit extortion.

(*The Schedule*)

Sections.

390. Robbery.
391. Dacoity.
393. Attempt to commit robbery.
394. Voluntarily causing hurt in committing robbery.
397. Robbery or dacoity, with attempt to cause death or grievous hurt.
398. Attempt to commit robbery or dacoity when armed with deadly weapon.
399. Making preparation to commit dacoity.
402. Assembling for purpose of committing dacoity.
454. Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.
457. Lurking house-trespass or house-breaking by night, in order to the commission of an offence punishable with imprisonment.
458. Lurking house-trespass or house-breaking by night after preparation for hurt, assault or wrongful restraint.
459. Grievous hurt caused whilst committing lurking house-trespass or house-breaking.
460. All persons jointly concerned in lurking house-trespass or house-breaking by night punishable where death or grievous hurt caused by one of them.

MYSORE ACT No. XXVII OF 1952.

THE MYSORE PLACES OF PUBLIC RESORT ACT, 1952.

(Received the assent of His Highness the Rajpramukh on the Thirtieth Day of August 1952.)

An Act to provide for the inspection and licensing of places of public resort and entertainment.

Preamble.

WHEREAS it is expedient to provide for the inspection and licensing of places of public resort and entertainment ;

It is hereby enacted as follows :—

Short title, extent, commencement and saving.

1. (1) This Act may be called the Mysore Places of Public Resort Act, 1952.

(2) It extends to the [1][whole of the State of Mysore except Bellary District.]

(3) It shall come into force at once in the Cities of Bangalore, Mysore and Davangere and the Kolar Gold Field Sanitary Board Area ; and shall come into force in such other areas from such date as the Government may, by notification in the *Mysore Gazette*, specify in this behalf.

(4) Nothing in this Act shall apply to any church, temple, mosque or other place of public worship or to any place used for exhibition by means of cinematograph.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(1) "building" includes any house, hut, shed or roofed enclosure ;

(2) "Government" means the State Government ;

---

1. See the Mysore Adaptation of Laws Order, 1953.

(3) "Licensing Authority" means in respect of the Cities of Bangalore and Mysore, the City Magistrate and in respect of any other area such Magistrate as the Government may, by notification in the *Mysore Gazette*, authorise in this behalf.

No enclosed place or building with area of three hundred square feet to be used for public resort without license.

3. No enclosed place or building, whether permanent or temporary, having an area of not less than three hundred square feet, shall be used for public resort or entertainment, unless a license has been previously obtained in the manner hereinafter provided.

Authority to whom application should be made.

4. When any person desires to obtain a license to use any enclosed place or building for public resort or entertainment or to construct any enclosure or building for such purpose, he shall apply to the Licensing Authority setting forth the name of the owner of the place or building, its situation, size, and description ; the material of which the enclosure or building is made or proposed to be made, whether it is, or is proposed to be permanent or temporary and the purpose for which it is proposed to be used.

Authority shall inspect and may require addition or alteration to place or building.

5. Upon the receipt of any such application the Licensing Authority shall inspect or cause to be inspected the place or building in respect of which a license is required and may require the applicant, by notice in writing, to make any alteration or addition to the material or arrangement of the enclosure or building, or in the precautions for the safety of the public to be assembled therein, and may refuse to grant a license until the alteration or addition is made.

When Licensing Authority to grant license.

6. (1) If the Licensing Authority is satisfied—

(*a*) that the enclosed place or building may safely be used for the purpose of public resort or entertainment;

(*b*) that no objection, arising from its situation, ownership or the purpose proposed, exists;

it shall give to the applicant a written license signed by it, specifying the enclosure or building and the purpose for which it is to be used.

Such license shall be in such form and subject to such fee and conditions as the Government may from time to time by rules prescribe.

(2) If the Licensing Authority is not satisfied as aforesaid it may for reasons to be recorded in writing, refuse to grant a license.

License to state period for which it is to be in force.

7. Every license granted under this Act shall state the period for which it is to continue in force, and shall cease to be in force on the expiration of that period.

Revocation or suspension of license.

8. The Licensing Authority may for reasons to be recorded in writing, revoke or suspend the license when it has reason to believe—

(*a*) that the license has been fraudulently obtained;

(*b*) that the enclosed place or building has been used for other purposes of public resort or entertainment than that for which the license was granted;

(*c*) that the place or building can no longer be safely used for the purpose for which the license was granted.

Appeal against order under sections 5, 6 and 8.

9. (1) Any person aggrieved by an order under sections 5, 6 and 8 may, within thirty days from the date on which he received the order, appeal to the District Magistrate of the District.

(2) The District Magistrate shall have the same power to inspect and to require alteration or addition in the enclosed place or building as the Licensing Authority and may either grant or withhold the license or make such other order as he thinks fit.

Power to enter place of public resort, to inspect license or to prevent further use.

10. It shall be lawful for any Magistrate or Officer of Police in charge of a station or of higher rank than Head Constable to enter at any time any enclosure or building for which a license is required under this Act, to inspect the license, if any, has been issued, and if there is no license or if the conditions of the license are not observed or if he sees reason to apprehend immibent danger to the public, to prevent the further use of such enclosure or building as a place of public resort or entertainment.

11. The District Magistrate may call for and examine the record of any proceedings taken under this Act, may call for any report in connection therewith, make or cause to be made any further inquiry, and may pass any order which the authority holding the proceeding might have passed. District Magistrate may revise any proceedings under this Act.

12. Every person who, having the immediate control of any enclosed place or building, permits it to be used for public resort or entertainment without having obtained a license, or having obtained a license under this Act, permits such use in contravention of any of the conditions of such license, shall be liable, on conviction before a Magistrate, to a fine which may extend to five hundred rupees. Penalties.

13. The Government may, subject to the condition of previous publication, by notification in the *Mysore Gazette*, make rules for carrying out the purposes of this Act. Power to make rules.

MYSORE ACT No. XXIX OF 1952.

THE MYSORE PROHIBITION OF SMOKING IN SHOW HOUSES AND PUBLIC HALLS ACT, 1952.

(Received the assent of His Highness the Rajpramukh on the First Day of September 1952.)

An Act to prohibit Smoking in Show Houses and Public Halls in [1][the State of Mysore except Bellary District.]

Preamble

WHEREAS it is expedient to prohibit smoking in Show Houses and Public Halls in [1][the State of Mysore except Bellary District];

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Prohibition of Smoking in Show Houses and Public Halls Act, 1952.

(2) It extends to the [1][whole of the State of Mysore except Bellary District.]

(3) It shall come into force at once.

Definitions.

2. In this Act,—

(*a*) "Government" means the State Government;

(*b*) "Show House" means any building or any roofed and enclosed structure, used ordinarily or occasionally for the demonstration or exhibition to the public, whether on payment or otherwise of cinematographic films, dramatical pantomime or musical performances;

(*c*) "Public Hall" means a chamber or hall used ordinarily or occasionally as a place of public assembly or meeting;

(*d*) "smoke" means inhalation and exhalation of the smoke of tobacco.

1. See the Mysore Adaptation of Laws Order, 1953.

Prohibition of smoking in Show Houses and Public Halls.

3. (1) If any demonstration, exhibition or meeting is held in a Show House or Public Hall, then no person shall during the prohibited period as defined in sub-section (2) smoke either—

(*a*) on the stage except in so far as smoking may be part of the demonstration or exhibition, or

(*b*) in the auditorium, that is to say, in that portion of the Show House or Public Hall in which accommodation is provided for audience or the spectators.

(2) For the purposes of sub-section (1), 'prohibited period' means so much of the period commencing thirty minutes before the beginning of the demonstration, exhibition or meeting and ending with the termination thereof, as may fall within the hours which the Government may, by notification in the *Mysore Gazette*, specify in this behalf for demonstrations, exhibitions or meetings generally or any class of demonstrations, exhibitions or meetings.

(3) Any person who contravenes the provisions of this section and who on being asked by a police officer to desist from smoking persists, shall be liable to be removed from the Show House or Public Hall by such police officer and shall also be punishable with fine which may extend to fifty rupees and for a second or subsequent offence with fine which may extend to one hundred rupees.

(4) A person ejected under sub-section (3) shall not be entitled to the refund of any payment made by him for admission to the demonstration, exhibition or meeting or to any other compensation.

Management to post notices or exhibit slides.

4. (1) Every person responsible for the management of a demonstration or exhibition in a Show House and every person who is in charge of the arrangements of a public assembly or a meeting in a Public Hall, shall bring to the notice of the audience or the spectators, by posting notices prominently or by exhibiting slides, that any person who smokes during the prohibited period, either on the stage or in the auditorium reserved for the audience or spectators, shall be liable to be ejected summarily and also to payment of fine.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to fifty rupees.

Power to exclude from the operation of the Act.

5. The Government may, by general or special order, direct that all or any of the provisions of this Act, shall not apply in respect of any Show House or Public Hall or any demonstration, exhibition or public meeting therein.

MYSORE ACT No. XXX OF 1952.

THE MYSORE APPROPRIATION (No 3) Act, 1952.

(Received the assent of the Rajpramukh on the Sixth Day of November 1952.)

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State, for the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-three.

Preamble.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-three ;

It is hereby enacted as follows :—

Short title.

1. This Act may be called the Mysore Appropriation (No. 3) Act, 1952.

Issue of Rupees 1,86,06,800 out of the Consolidated Fund of the State for the year 1952-53.

2. From and out of the Consolidated Fund of the State, there may be paid and applied further sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of one hundred and eighty-six lakhs, six thousand and eight hundred rupees towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, one thousand nine hundred and fifty-three, in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, one thousand nine hundred and fifty-three.

(The Schedule)

THE SCHEDULE.

(See *sections 2 and 3.*)

1	2		3		
No. of Vote	Services and Purposes		Sums not exceeding Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
	A. EXPENDITURE MET FROM REVENUE.		Rs.	Rs.	Rs.
1	7	Land Revenue	2,88,000	...	2,88,000
3	9	Stamps	70,000	...	70,000
6	12	Charges on account of Motor Vehicles Act ...	7,500	...	7,500
7	13	Other Taxes and Duties	19,200	..	19,200
8	18	Other Revenue Expenditure Financed from Ordinary Revenue.	5,00,000	...	5,00,000
	22	Interest on Debt and other obligations... ...	...	37,40,000	37,40,000
11	25	General Administration (A. and D.)	42,400	...	42,400
12	25	Do (B.) Parliament and the State Legislature.	56,600	19,200	75,800
16	29	Police	17,900	...	17,900
17	36	Scientific Departments	9,000	...	9,000
19	38	Medical	30,000	...	30,000
	39	Public Health	60,000	...	60,000
21	40	Agriculture (except Horticulture)	3,00,000	...	3,00,000
26	43	Industries and Supplies (except Sericulture) ...	1,97,200	...	1,97,200
29	50	Civil Works	49,400	...	49,400
30	54	Famine	20,00,000	...	20,00,000
32	55	Superannuation Allowances and Pensions ..	17,500	...	17,500
33	56	Stationery and Printing	12,000	...	12,000
34	57	Miscellaneous	1,18,800	...	1,18,800
37	XVII.	I.N.E. and D. Works for which capital accounts are kept—Working Expenses.	1,66,000	...	1,66,000
38	XLI.	Receipts from Electricity Schemes—Working Expenses.	10,00,000	...	10,00,000
		Total Expenditure met from Revenue ...	49,61,500	37,59,200	87,20,700
	B. CAPITAL OUTLAY NOT MET FROM REVENUE.				
40	68	Construction of I.N.E., and D. Works outside the Revenue Account.	2,98,800	...	2,98,800
42	81-A.	Capital Outlay on Electricity Schemes ..	30,00,000	...	30,00,000
		Total Capital Outlay not met from Revenue ...	32,98,800	...	32,98,800.
	C. DISBURSEMENT OF ADVANCES (WITH INTEREST) AND LOANS.				
	ADVANCES AND LOANS.				
45	R.	Loans and Advances by the State Government ...	58,00,000	...	58,00,000
	N.	Public Debt Discharged	...	7,87,300	7,87,300
		Grand Total ...	1,40,60,300	45,46,500	1,86,06,800

MYSORE ACT No. XXXI OF 1952.

THE MYSORE CINEMAS (REGULATION) ACT, 1952.

(Received the assent of the Rajpramukh on the Sixth Day of November 1952.)

An Act to make provision for regulating exhibitions by means of cinematographs.

WHEREAS it is expedient to consolidate and amend the law regulating exhibitions by means of cinematographs; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Cinemas (Regulation) Act, 1952. Short title, extent and commencement.

(2) It extends to the [1][whole of the State of Mysore except Bellary District.]

(3) This section shall come into force at once; the remaining provisions of this Act shall come into force on such date as the Government may, by notification in the *Mysore Gazette*, appoint.

2. In this Act, unless the context otherwise requires— Definitions.

(*a*) 'cinematograph' includes any apparatus for the representation of moving pictures or series of pictures;

(*b*) 'Government' means the State Government;

(*c*) 'place' includes a house, building, tent and any description of transport, whether by water, land or air;

(*d*) 'prescribed' means prescribed by rules made under this Act.

1. See the Mysore Adaptation of Laws Order, 1958.

Cinematograph exhibitions to be licensed.

3. Save as otherwise provided in this Act, no person shall give an exhibition by means of a cinematograph elsewhere than in a place licensed under this Act or otherwise than in compliance with any conditions and restrictions imposed by such licence.

Licensing authority.

4. The authority having power to grant licences under this Act (hereinafter referred to as the Licensing authority) shall be the District Magistrate.

Restrictions on powers of Licensing authority.

5. (1) The Licensing authority shall not grant a licence under this Act, unless it is satisfied that—

(*a*) the rules made under this Act have been substantially complied with, and

(*b*) adequate precautions have been taken in the place, in respect of which the licence is to be given, to provide for the safety of persons attending exhibitions therein.

(2) Subject to the foregoing provisions of this section and to the control of the Government, the Licensing authority may grant licences under this Act to such persons as that authority thinks fit and on such terms and conditions and subject to such restrictions as it may determine.

(3) Any person aggrieved by the decision of a Licensing authority refusing to grant a licence under this Act may, within such time as may be prescribed, appeal to the Government or to such officer as the Government may specify in this behalf and the Government or the officer as the case may be, may make such order in the case as it or he thinks fit.

(4) The Government may, from time to time, issue directions to licensees generally or to any licensee in particular for the purpose of regulating the exhibition of any film or class of films, so that scientific films, films intended for educational purposes, films dealing with news and current events, documentary films or indigenous films secure an adequate opportunity of being exhibited, and where any such directions have been issued those directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted.

Power of Government or local authority to suspend exhibition of films in certain cases.

6. (1) The Government in respect of the whole of the State or any part thereof, and the District Magistrate in respect of the district within his jurisdiction, may, if he is of opinion that any film which is being publicly exhibited is likely to cause a breach of the peace, by order, suspend the exhibition of the film and during such suspension no holder of the licence shall exhibit such film in the State, part or district, as the case may be.

(2) Where an order under sub-section (1) has been issued by a District Magistrate, a copy thereof, together with a statement of reasons therefor, shall forthwith be forwarded by the person making the same to the Government, and the Government may either confirm or discharge the order.

(3) An order made under this section shall remain in force for such period not exceeding two months from the date thereof as may be specified in the order, but the Government may, if it is of opinion that the order should continue in force, direct that the period of suspension shall be extended by such further period as it thinks fit.

Penalties for contravention of this Act.

7. If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used in contravention of the provisions of this Act or of the rules made thereunder, or of the conditions and restrictions upon or subject to which any licence has been granted under this Act, he shall be punishable with fine which may extend to one thousand rupees and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues :

Provided that a notice in writing has been given to the owner or to the person in charge of a cinematograph or to the occupier as the case may be and he has not complied with the provisions of the Act or of the Rules made thereunder or of the conditions or restrictions aforesaid referred to in the said notice within a period of fifteen days from the date of receipt of the said notice.

Power to revoke licence.

8. Where the holder of a licence has been convicted of an offence under section 7, the licence may be revoked by the Licensing authority.

An appeal shall lie to the Government against the said order of revocation within thirty days from the date thereof.

Power to make rules.

9. (1) The Government may, by notification in the *Mysore Gazette*, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) prescribe the terms, conditions and restrictions, if any, subject to which licences may be granted under this Act;

(*b*) provide for the regulation of cinematograph exhibitions for securing the public safety;

(*c*) prescribe the time within which and the conditions subject to which an appeal under sub-section (3) of section 5, or section 8 may be preferred;

(*d*) prescribe the fees payable for the grant or renewal of licences, for the grant of duplicate licences and for inspection of the licensed premises, or any part thereof.

Power to exempt.

10. The Government may, by order in writing, exempt, subject to such conditions and restrictions as it may impose, any cinematograph exhibition or class of cinematograph exhibitions from any of the provisions of this Act or of any rules made thereunder.

Repeal.

11. The Cinematograph Act, 1923 (Mysore Act XII of 1923), is hereby repealed.

MYSORE ACT No. XXXIII OF 1952.

THE MYSORE SILKWORM SEED (CONTROL OF DISTRIBUTION) ACT, 1952.

(Received the assent of the President on the Twelfth Day of November 1952.)

An Act to provide for the regulation of the production, supply and distribution of silkworm seed in [1][the State of Mysore except Bellary District].

Preamble.

WHEREAS it is expedient to provide for the regulation of the production, supply and distribution of silkworm seed in [1][the State of Mysore except Bellary District];

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Silkworm Seed (Control of Distribution) Act, 1952.

(2) It extends to the [1][whole of the State of Mysore except Bellary District].

(3) This section shall come into force at once; and the remaining provisions of this Act shall come into force in such area of the State and on such date as the Government may, by notification, specify.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context,—

(1) "Government" means the State Government;

(2) "Licensing Authority" means the Director of Sericulture in Mysore and includes any other officer authorised by the Government in this behalf;

(3) "licensed buyer" means a person in charge of a Charka establishment, or a filature establishment licensed under this Act to purchase silkworm cocoons for reeling silk;

Explanation.—In this clause "Charka establishment" means an establishment where silk reeled from silkworm cocoons with the help of any instrument not worked by power, and "filature establishment" means an establishment where silk is reeled from silkworm cocoons

1. See the Mysore Adaptation of Laws Order, 1958.

with the help of any instrument worked by power, and "power" means any form of energy which is mechanically transmitted and is not generated by human or animal agency and includes electrical energy;

(4) "notification" means a notification in the *Mysore Gazette*;

(5) "prescribed" means prescribed by rules made under this Act;

(6) "rearer" means a person engaged in rearing silkworms for the production of silkworm cocoons, whether for reproduction or reeling;

Explanation.—In this clause "rearing" includes all operations from the incubation of silkworm eggs and brushing of silkworms to the harvesting of cocoons;

(7) "silkworm" includes mulberry silkworm, tussar silkworm and eri silkworm;

(8) "silkworm seed" means and includes silkworm cocoons used for preparing seed, moths, eggs and any silkworm of whatever description to be used for purposes of reproduction and rearing.

Regulation of manufacture, etc., of silkworm seed.

3. No person shall manufacture, store, transport, sell or otherwise distribute or dispose of silkworm seed except under and in accordance with the terms of a license granted under this Act.

Regulation of rearing.

4. No rearer shall rear silkworms from silkworm seed other than silkworm seed obtained from a person who holds a license under this Act.

Regulation of disposal of silkworm cocoons.

5. No rearer shall dispose of or agree to dispose of or in pursuance of an agreement entered into, make delivery of any silkworm cocoons for reeling except to a licensed buyer.

Regulation of sale or purchase of silkworm cocoons for reeling.

6. No rearer shall sell or agree to sell, and no licensed buyer shall purchase or agree to purchase silkworm cocoons for reeling, except in cocoon markets or cocoon market yards established under this Act, and at prices other than those fixed from time to time by notification by the Director of Sericulture in Mysore.

Regulation of reeling.

7. No person shall carry on the business of reeling silk from silkworm cocoons unless he holds a license under this Act.

Regulation of possession of silkworm seed.

8. No person shall be in possession of silkworm seed unless —

(*a*) he is a rearer; or

(*b*) he holds a license granted under this Act; or

(*c*) he is authorised in writing by the prescribed officer to possess silkworm seed.

Application for license.

9. Every person who desires to obtain a license under this Act shall make an application to the Licensing Authority in such form as may be prescribed.

Regulation, distribution of silkworm seed.

10. (1) The Government may, from time to time, by notification,—

(*a*) specify the places at which cocoon markets or cocoon market yards shall be located;

(*b*) appoint a Market Officer, and constitute a committee consisting of one representative each of rearers, licensed buyers in charge of charka establishments and filature establishments with the Market Officer as Chairman, for the grading of silkworm cocoons in the cocoon market and regulate generally the procedure for the conduct of business in the cocoon market;

(*c*) fix the basic price at which standard quality cocoons for reeling may be sold or bought;

(*d*) specify a sliding scale of prices for variations from the standard quality calculated on the basic price;

(*e*) specify the sericultural areas in the State to be served by each cocoon market where silkworm cocoon produced within such areas shall be sold;

(*f*) assign zones and markets in which any licensed buyer may carry on his business.

(2) After taking into consideration the quantity of silkworm cocoon available in the State and the scale of operations and consumption of silkworm cocoon by each licensed buyer, the Government may, from time to time, by order, determine quotas of silkworm cocoon to be sold to licensed buyers.

Power to require information and powers of entry, inspection, seizure, etc.

11. (1) The Director of Sericulture in Mysore or any officer authorised in this behalf by the Government by notification, may, with a view to securing compliance with this Act,---

(*a*) require any person licensed under this Act to furnish such information as may be specified ;

(*b*) inspect or cause to be inspected any return, document or account book in the possession of a person licensed under this Act;

(*c*) between the hours of 6 A.M. and 6 P.M. enter and inspect any land, building, vessel, vehicle or place of a person licensed under this Act, with a view to satisfying himself that such licensed person is complying with the provisions of this Act or of any rule or order made thereunder ;

(*d*) at all reasonable times enter and search any land, building, vessel, vehicle or place wherein or in any part of which silkworm seed is stored or is being transported and seize or authorise any person to seize any silkworm seed, including any vessel, receptacle, apparatus, package or covering in which such seed is contained, in respect of which he has reason to believe from personal knowledge or from information given by any person and taken down by him in writing that a contravention of this Act or of any rule or order made thereunder has been or is being committed.

(2) Every owner, occupier or other person in charge of any land, building, vessel, vehicle or place referred to in clauses (*c*) and (*d*) of sub-section (1) shall give all reasonable facilities to the officer authorised under sub-section (1) in carrying out his functions under the said sub-section.

Penalties.

12. (1) Any person who contravenes the provisions of section 3 or 4 shall be punishable with fine which may extend to five hundred rupees.

(2) Any rearer who contravenes the provisions of section 5 or 6 or any other provision of this Act or any rule, order or notification made thereunder, shall be punishable with simple imprisonment for a term which may extend to four weeks or with fine which may extend to twenty-five rupees, or with both.

(3) Any licensed buyer who contravenes the provisions of section 6 or 7 or any other provision of this Act or any rule, order or notification made thereunder, shall be punishable with simple imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees, or with both.

(4) Save as otherwise provided in sub-sections (1), (2) and (3), any person who contravenes any of the provisions of this Act or of any rule, order or notification thereunder, shall be punishable with simple imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

Forfeiture of silkworm seed, etc.

13. Without prejudice to any punishment under section 12, the Court may direct that silkworm seed or any other article in respect of which an offence under this Act has been committed shall be forfeited to the Government.

Composition of offences.

14. (1) Any offence punishable under this Act may be compounded by the Director of Sericulture in Mysore on payment of such amount as may be prescribed.

(2) On the composition of an offence under sub-section (1), the person concerned, if in custody, shall be set at liberty, and if proceedings in any criminal court have been instituted against such person in respect of the offence, the composition shall be deemed to amount to an acquittal and no further proceedings shall be taken against such person in respect of such offence.

Protection of persons acting under the Act.

15. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act.

Officers to be deemed public servants.

16. Every officer acting in pursuance of the provisions of this Act or rules or orders made thereunder shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Power of Government to make rules.

17. (1) The Government may, subject to the condition of previous publication, by notification, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for,

(*a*) the duties and powers of officers authorised to enforce the provisions of this Act and the manner of constitution of market committees and the powers and duties of such committees;

(*b*) the qualifications of rearers and other persons to whom licenses under this Act may be granted;

(*c*) the grant of licenses and the imposing of conditions in respect of the same and fees for the grant of such licenses;

(*d*) the grant of duplicate licenses and the renewal of licenses and fees for the same;

(*e*) appeals from any order under this Act, the authority to which such appeals shall lie, the time within which such appeals should be made and the procedure for dealing with such appeals;

(*f*) the forms of licenses to be granted under this Act;

(*g*) the fee payable by the licensed buyer in respect of cocoons purchased by him in the cocoon market;

(*h*) the courts by which any offence under this Act shall be cognizable;

(*i*) generally regulating the procedure to be followed in proceedings under this Act;

(*j*) any other matter which may be prescribed under this Act.

MYSORE ACT No. 1 OF 1953.

THE MYSORE APPROPRIATION ACT, 1953.

(Received the assent of the Rajpramukh on the Thirty-first day of March 1953.)

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-three.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-three ;

It is hereby enacted as follows :—

1. **Short title.**—This Act may be called the Mysore Appropriation Act, 1953.

2. **Issue of Rs. 89,15,400 out of the Consolidated Fund of the State for the year 1952–53.**—From and out of the Consolidated Fund of the State, there may be paid and applied further sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of Eighty-nine lakhs fifteen thousand and four hundred rupees towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, one thousand nine hundred and fifty-three in respect of the services specified in column 2 of the Schedule.

3. **Appropriation.**—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, one thousand nine hundred and fifty-three.

THE SCHEDULE.

(See *sections 2 and 3.*)

No. of Vote		Services and Purposes	Sums not exceeding: Charged on the Consolidated Fund	Sums not exceeding: Voted by the Legislative Assembly	Total
1		2	3		
		A. EXPENDITURE MET FROM REVENUE.	Rs.	Rs.	Rs
6	12	Charges on account of Motor Vehicles Acts ...	...	2,700	2,700
8	18	Other Revenue Expenditure Financed from Ordinary Revenue.	...	7,00,000	7,00,000
	22	Interest on Debt and other obligations	11,05,000	...	11,05,000
	27	Administration of Justice	12,500	..	12,500
15	28	Jails and Convict Settlement	...	1,62,000	1,62,000
16	29	Police	...	100	100
17	35	Scientific Departments	...	27,000	27,000
18	37	Education	...	90,000	90,000
21	40	Agriculture (except Horticulture)	...	25,000	25,000
26	43	Industries and Supplies (except Sericulture) ...	...	5,05,400	5,05,400
28	47	Miscellaneous Departments	...	80,000	80,000
29	50	Civil Works	...	43,500	43,500
30	54	Famine	...	2,00,000	2,00,000
31	54-A.	Territorial and Political Pensions	...	16,200	16,200
32	55	Superannuation Allowances and Pensions ...	7,500	5,81,500	5,89,000
32A	55A.	Commutation of Pensions financed from Ordinary Revenues-	1.000	2,59,000	2,60,000
34	57	Miscellaneous	...	49,000	49,000
35	63	Extraordinary Charges	...	17,39,600	17,39,600
37	XVII.	I.N.E. and D. Works for which capital accounts are kept—Working Expenses.	...	1,04,500	1,04,500
39	XLVI-A	Receipts from R.T. Schemes—Working Expenses.	...	4,00,000	4,00,000
		B. CAPITAL OUTLAY NOT MET FROM REVENUE.			
40	68	Construction of I.N.E. and D. Works outside the Revenue Account.	...	6,01,300	6,01,300
41A	81	Capital Account of Civil Works outside the Revenue accounts.	...	4,00,000	4,00,000
42	81-A.	Capital Account of Electricity Scheme outside the Revenue account.	...	100	100
42A	82	Capital account of other State Works outside the Revenue account—Community Development Projects.	...	2,39,000	2,39,000
43A	83	Payments of Commuted Value of Pensions ...	...	100	100
		C. DISBURSEMENT OF ADVANCES AND LOANS.			
45	R.	Loans and Advances by the State Government ...	...	8,00,000	8,00,000
		D. PUBLIC DEBT.			
		State section—Debt raised in India—III Loan from Central Government—Repayment.	8,13,400	...	8,13,400
		Grand Total ...	19,39,400	69,76,000	89,15,400

MYSORE ACT No. 2 OF 1953.

THE MYSORE APPROPRIATION (No. 2) ACT, 1953.

(Received the assent of the Rajpramukh on the thirty-first day of March 1953.)

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State for the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-four.

WHEREAS it is expedient to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State for the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-four ;

It is hereby enacted as follows :—

1. Short title.—This Act may be called the Mysore Appropriation (No. 2) Act, 1953.

2. Issue of Rupees 32,19,77,100 out of the Consolidated Fund of the State for the year 1953-54.—From and out of the Consolidated Fund of the State, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of thirty-two crores nineteen lakhs seventy-seven thousand and one hundred rupees towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, one thousand nine hundred and fifty-four in respect of the services specified in column 2 of the Schedule.

3. Appropriation.—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, one thousand nine hundred and fifty-four.

THE SCHEDULE.

(See sections 2 and 3.)

1	2	3		
No. of Vote	Services and Purposes	Sums not exceeding		
		Charged on the Consolidated Fund	Voted by the Legislative Assembly	Total
	A. EXPENDITURE MET FROM REVENUE.	Rs.	Rs.	Rs.
1	7 Land Revenue ...	...	32,71,000	32,71,000
2	8 State Excise Duties ...	...	10,24,000	10,24,000
3	9 Stamps ..	...	2,06,000	2,06,000
4	10 Forest ...	...	38,21,000	38,21,000
5	11 Registration ...	...	4,87,000	4,87,000
6	12 Charges on account of Motor Vehicles Acts.	...	7,10,000	7,10,000
7	13 Other Taxes and Duties ...	...	5,02,000	5,02,000
8	16 Other Revenue Expenditure Financed from Ordinary Revenue.	...	66,02,000	66,02,000
9	19 Construction of Irrigation, Navigation, Embankment and Drainage Works.	...	22,94,000	22,94,000
	22 Interest on Debt and other obligations ...	89,26,000	...	89,26,000
	23 Appropriation for reduction or avoidance of Debt.	40,00,000	...	40,00,000
11	25 General Administration (except B, C and F)	4,21,000	31,87,100	36,08,100
12	25 Do (E. Parliament and the State Legislature and C. Elections for Legislature)	54,000	8,45,400	8,99,400
13	25 General Administration (F. District Administration)	...	37,80,500	37,80,500
14	27 Administration of Justice ...	3,53,300	23,65,700	27,39,000
15	28 Jails and Convict Settlements ...	...	6,87,000	6,87,000
16	29 Police ...	...	1,12,86,000	1,12,86,000
17	36 Scientific Departments ...	...	6,29,000	6,29,000
18	37 Education ...	...	3,57,46,000	3,57,46,000
19	38 Medical ...	...	1,02,75,000	1,02,75,000
20	39 Public Health ...	...	42,84,000	42,84,000
21	40 Agriculture (except Botanical and other Public Gardens).	...	50,27,000	50,27,000
22	40 (b) Botanical and Other Public Gardens...	...	9,66,000	9,66,000
23	40A. Rural Development ...	...	31,52,000	31,52,000
24	41 Veterinary charges ...	...	25,32,000	25,32,000
25	42 Co-operation ...	...	6,59,000	6,59,000
26	43 Industries and Supplies (except Sericulture)	...	6,03,46,000	6,03,46,000
27	43 a-4. Sericulture ...	...	8,96,000	8,96,000
28	47 Miscellaneous Departments ...	...	12,26,000	12,26,000
29	50 Civil Works ...	...	2,36 59,000	2,36,59,000
30	54 Famine Relief ...	...	30,00,000	30,00,000
31	54A. Territorial and Political Pensions ...	...	2,87,000	2,87,000
32	55 Superannuation Allowances and Pensions.	87,500	51,74,500	52 62,000
32A	55A, Commutation of Pensions financed from ordinary Revenues.	5,000	1,95,000	2,00,000
	Carried over ...	1,38,46,800	19,91,44,200	21,29,91,000

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Charged on the Consolidated Fund	Voted by the Legislative Assembly	Total
		Rs.	Rs.	Rs.
	Brought forward ...	1,38,46,800	19,91,44,200	21,29,91,000
33	56 Stationery and Printing ...	...	18,17,000	18,17,000
34	57 Miscellaneous ...	...	18,10,000	18,10,000
35	63 Extraordinary charges ...	...	38,40,000	38,40,000
35 A	63B. Community Development Projects ...	...	15,00,000	15,00,000
36	X. Forest—3. (i) Wood Preservation Plant-Working Expenses and Seigniorage.	...	4,40,000	4,40,000
37	XVII. I. N. E. and D. Works for which capital accounts are kept—Working Expenses.	...	27,05,000	27,05,000
38	XLI. Receipts from Electricity Scheme—Working Expenses.	...	1,37,42,000	1,37,42,000
39	XLVI-A. Receipts from Road Transport Schemes—Working Expenses.	...	44,90,000	44,90,000
	TOTAL EXPENDITURE MET FROM REVENUE.	1,38,46,800	22,94,88,200	24,33,35,000
	B. CAPITAL OUTLAY NOT MET FROM REVENUE.			
40	68 Construction of I. N. E. and D. Works outside the Revenue Account.	...	1,56,61,000	1,56,61,000
41	72 Capital outlay on Industrial Development.	...	1,80,66,000	1,80,66,000
41 A	81 Capital A/c of Civil Works ...	...	10,00,000	10,00,000
42	81-A. Capital outlay on Electricity Schemes.	...	1,50,00,000	1,50,00,000
42 A	82 Capital A/c of other State Works—Community Development Projects.	...	10,00,000	10,00,000
43	82-B. Capital outlay on Road Transport Schemes.	...	5,00,000	5,00,000
43 A	83 Payments of Commuted value of Pensions.	...	100	100
44	85-A. Capital Outlay on Schemes of State Trading.	...	50,00,000	50,00,000
	TOTAL CAPITAL OUTLAY NOT MET FROM REVENUE.	...	5,62,27,100	5,62,27,100
	C. DISBURSEMENT OF ADVANCES (WITH INTEREST) AND LOANS.			
45	ADVANCES AND LOANS. R. Loans and Advances by State Government.	...	2,07,51,000	2,07,51,000
	D. PUBLIC DEBT.			
	Repayment			
	N. Public Debt I—Permanent Debt. ... Repayment.	3,00,000	...	3,00,000
	III. Loans from Centre—Repayment ...	13,64,000	...	13,64,000
	TOTAL PUBLIC DEBT ...	16,64,000	...	16,64,000
	GRAND TOTAL ...	1,55,10,800	30,64,66,300	32,19,77,100

MYSORE ACT No. 6 OF 1953.

THE MYSORE PUBLIC DEBT ACT, 1953.

(Received the assent of the Rajpramukh on the Twenty-second Day of April 1953.)

WHEREAS it is expedient to consolidate and amend the law relating to Government Securities and to the management of the public debt of the State;

It is hereby enacted as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Mysore Public Debt Act, 1953.

(2) It extends to the [1][whole of the State of Mysore except Bellary District].

(3) It shall come into force on such date as the Government may, by notification in the *Mysore Gazette*, appoint in this behalf.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

(1) "competent authority" means such officer or authority as the Government may, by notification in the *Mysore Gazette*, authorise to be the competent authority for the purpose of this Act;

(2) "Government" means the State Government;

(3) "Government security" means—

(*a*) a security created and issued whether before or after the commencement of this Act, by the Government for the purpose of raising a public loan, and having one of the following forms, namely,—

(i) stock transferable by registration in the books maintained by the competent authority; or
(ii) a promissory note payable to order; or
(iii) a bearer bond payable to bearer; or
(iv) a form prescribed in this behalf;

(*b*) any other security created and issued by the Government in such form and for such of the purposes of this Act as may be prescribed;

1. See the Mysore Adaptation of Laws Order, 1958.

(4) "prescribed" means prescribed by rules made under this Act;

(5) promissory note includes a treasury bill.

3. Transfer of Government securities.—(1) Subject to the provisions of section 5, a transfer of a Government security shall be made only in the manner prescribed for the making of transfers of securities of the class to which it belongs and no transfer of a Government security made after the commencement of this Act shall be valid if—

(*a*) it does not purport to convey the full title to the security, or

(*b*) it is of such a nature as to affect the manner in which the security was expressed by the Government to be held.

(2) Nothing in this section shall affect any order made by the competent authority under this Act, or any order made by a Court upon the competent authority.

4. Transfer of Government securities not liable for amount thereof.—Notwithstanding anything contained in the Negotiable Instruments Act, 1881 (Central Act XXVI of 1881), a person shall not, by reason only of his having transferred a Government security be liable to pay any money due either as principal or as interest thereunder.

5. Holding of Government securities by holders of public offices.—(1) In the case of any public office to which the Government may, by notification in the *Mysore Gazette*, declare this sub-section to apply, a Government security in the form of stock or of a promissory note may be held in the name of the office.

(2) When a Government security is so held, it shall be deemed to be transferred without any or further endorsement or transfer deed from each holder of the office to the succeeding holder of the office on and from the date on which the latter takes charge of the office.

(3) When the holder of the office transfers to a party not being his successor in office a Government security so held, the transfer shall be made by the signature of the holder of the office and the name of the office in the manner and subject to the conditions laid down in section 3.

(4) This section applies as well as to an office of which there are two or more joint holders as to an office of which there is a single holder.

6. Notice of trust not receivable.—(1) No notice of any trust in respect of any Government security shall be receivable by the Government, nor shall the Government be bound by any such notice even though expressly given, nor shall the Government be regarded as a trustee in respect of any Government security.

(2) Without prejudice to the provisions of sub-section (1), the competent authority may, as an act of grace and without any liability to the competent authority or to the Government, record in the books maintained by the competent authority such directions by the holder of stock for the payment of interest on, or of the maturity value of, or the transfer of, or such other matters relating to, the stock as the competent authority thinks fit.

7. Persons whose title to a Government security of a deceased sole holder may be recognised by the competent authority.—Subject to the provisions of section 9, the executors or administrators of a deceased sole holder of a Government security and the holder of a succession certificate issued under Part X of the Indian Succession Act, 1925 (Central Act XXXIX of 1925), shall be the only persons who may be recognised by the competent authority as having any title to the Government security:

Provided that nothing in this section shall bar the recognition by the competent authority of the manager or the sole surviving male member of a Hindu undivided family governed by the Mitakshara Law as having a title to a Government security, when the security appears to the competent authority to stand in the name of a deceased member of the family and an application is made by such manager or sole surviving member for recognition of his title and is supported by a certificate signed by such authority and after such inquiry as may be prescribed to the effect that the deceased belonged to a Hindu undivided family governed by the Mitakshara Law, that the Government security formed part of the joint property of the family, and that the applicant is the managing or sole surviving male member of the family.

Explanation.—The expression "Hindu undivided family governed by the Mitakshara Law" shall, for the purposes of this section, be deemed to include a Malabar tarwad.

8. Right of survivors of joint holders or several payees.—Notwithstanding anything contained in section 48 of the Indian Contract Act, 1872 (Central Act IX of 1872),—

(*a*) when a Government security is held by two or more persons jointly and either or any of them dies, the title to the security shall vest in the survivor or survivors of these persons; and

(*b*) when a Government security is payable to two or more persons severally and either or any of them dies, the security shall be payable to the survivor or survivors of those persons or to the representative of the deceased or to any of them:

Provided that nothing contained in this section shall affect any claim which any representative of a deceased person may have against the survivor or survivors under or in respect of any security to which this section applies.

Explanation.—For the purposes of this section a body incorporated under the Indian Companies Act, 1913 (Central Act VII of 1913), or the Mysore Co-operative Societies Act, 1948 (Mysore Act LII of 1948) or any other enactment for the time being in force whether within or without India, relating to the incorporation of associations of individuals, shall be deemed to die when it is dissolved.

9. Summary procedure on death of holder of Government security not exceeding five thousand rupees face value.—Notwithstanding anything contained in section 7, if within six months of the death of a person who was the holder of a Government security or securities the face value of which does not in the aggregate exceed five thousand rupees, probate of his will or letters of administration of his estate or a succession certificate issued under Part X of the Indian Succession Act, 1925 (Central Act XXXIX of 1925) is not produced to the competent authority or proof to the satisfaction of the competent authority that proceedings have been instituted to obtain

one of these is not furnished, the competent authority may determine who is the person entitled to the security or securities, or to administer the estate of the deceased and may make an order vesting the security or securities in the person so determined.

10. Government securities not exceeding five thousand rupees face value belonging to minor or insane person.— When a Government security or securities belong to a minor or a person who is insane and incapable of managing his affairs and the face value of the security or securities does not in the aggregate exceed five thousand rupees, the competent authority may make such order as it thinks fit for the vesting of such security or securities in such person as it considers represents the minor or insane person.

11. Issue of duplicate securities and of new securities on conversion, consolidation, sub-division or renewal.— (1) If the person entitled to a Government security applies to the competent authority alleging that the security has been lost, stolen or destroyed, or has been defaced or mutilated, the competent authority may, on proof to its satisfaction of the loss, theft, destruction, defacement or mutilation of the security, subject to such conditions and on payment of such fees as may be prescribed, order the issue of a duplicate security payable to the applicant.

(2) If the person entitled to a Government security applies to the competent authority to have the security converted into a security of another form or into a security issued in connection with another loan or to have it sub-divided, or to have it renewed, the competent authority may, subject to such conditions and on payment of such fees as may be prescribed, cancel the security and order the issue of a new security or securities.

(3) The person to whom a duplicate security or a new security is issued under this section shall be deemed for the purposes of section 19 to have been recognised by the competent authority as the holder of the security, and a duplicate security or new security so issued to any person shall be deemed to constitute a new contract between the Government and such person and all persons deriving title thereafter through him.

12. Summary determination by the competent authority of title to Government security in case of dispute.—(1) If the competent authority is of opinion that a doubt exists as to the title to a Government security, it may proceed to determine the person who shall for the purposes of the competent authority be deemed to be the person entitled thereto.

(2) The competent authority shall give notice in writing to each claimant of whom it has knowledge, stating the names of all other claimants and the time when and the officer by whom the determination will be made.

(3) The competent authority shall give notice in writing to each claimant of the result of the determination so made.

(4) On the expiry of six months from the issue of the notice referred to in sub-section (3) the competent authority may make an order vesting in the person, found by the competent authority to be entitled to the security, the security and any unpaid interest thereon.

13. Recording of evidence.—(1) For the purpose of making any order which it is empowered to make under this Act, the competent authority may request a District Magistrate to record or to have recorded the whole or any part of such evidence as any person whose evidence the competent authority requires may produce. A District Magistrate so requested may himself record, or may direct any Magistrate of the first class subordinate to him or any Magistrate of the second class subordinate to him and empowered in this behalf by general or special order of the Government to record the evidence, and shall forward a copy thereof to the competent authority.

(2) For the purpose of making a vesting order under this Act, the competent authority may direct one of its officers to record the evidence of any person whose evidence the competent authority requires or may receive evidence upon affidavit.

(3) A Magistrate or an officer of the competent authority acting in pursuance of this section may administer an oath to any witness examined by him.

14. Postponement of payments and registration of transfers pending the making of a vesting order.—Where the competent authority contemplates making an order under this Act to vest a Government security in any person, it may suspend payment of interest on or the maturity value of the security or postpone the making of any order under section 11 or the registration of any transfer of the security until the vesting order has been made.

15. (1) **Power of competent authority to require bonds.**—Before making an order which it is empowered to make under this Act, the competent authority may require the person in whose favour the order is to be made to execute a bond with one or more sureties in such form as may be prescribed or to furnish security not exceeding twice the value of the subject matter of the order, to be held at the disposal of the competent authority, to pay to the competent authority or any person to whom the competent authority may assign the bond or security in furtherance of sub-section (2), the amount thereof.

(2) A Court before which a claim in respect of the subject matter of any such order is established may order the bond or security to be assigned to the successful claimant who shall thereupon be entitled to enforce the bond or realise the security to the extent of such claim.

16. Publication of notices in Gazette.—Any notice required to be given by the competent authority under this Act may be served by post, but every notice shall also be published by the competent authority in the *Mysore Gazette* and on such publication shall be deemed to have been delivered to all persons for whom it is intended.

17. Scope of vesting order.—An order made by the competent authority under this Act may confer the full title to a Government security or may confer title only to the accrued and accruing interest on the security pending a further order vesting the full title.

18. Legal effect of order made by the competent authority.—No recognition by the competent authority of a person as the holder of a Government security and no order made by the competent authority under this Act

shall be called in question by any court so far as such recognition or order affects the relations of the Government or the competent authority with the person recognised by the competent authority as the holder of a Government security or with any person claiming an interest in such security; and any such recognition by the competent authority of any person or any order by the competent authority vesting a Government security in any person shall operate to confer on that person a title to the security subject only to a personal liability to the rightful owner of the security for money had and received on his account.

19. Stay of proceedings on order of Court.—Where the competent authority contemplates making with reference to any Government security any order which it is empowered to make under this Act, and before the order is made the competent authority receives from a Court having jurisdiction in the matter, an order to stay the making of such order, the competent authority shall either—

(*a*) hold the security together with any interest unpaid or accruing thereon until the further orders of the court are received, or

(*b*) apply to the court to have the security transferred to the Official Trustees appointed for the State pending the disposal of the proceedings before the court.

20. Cancellation by the competent authority of vesting proceedings.—Where the competent authority contemplates making an order under this Act vesting a Government security in any person, the competent authority may, at any time before the order is made, cancel any proceedings already taken for that purpose and may, on such cancellation, proceed anew to the making of such order.

21. Discharge in respect of interest on Government securities.—Save as otherwise expressly provided in the terms of a Government security, no person shall be entitled to claim interest on such security in respect of any period which has elapsed after the earliest date on which demand could have been made for the payment of the amount due on such security.

22. Discharge in respect of bearer bonds.—The Government shall be discharged from all liability on a bearer bond or on any interest coupon of such a bond on payment to the holder of such bond or coupon on presentation on or after the date when it becomes due, of the amount expressed therein, unless before such payment an order of a competent court has been served on the Government restraining it from making payment.

23. Period of limitation of Government's liability in respect of interest.—Where no shorter period of limitation is fixed by any law for the time being in force, the liability of the Government in respect of any interest payment due on a Government security shall terminate on the expiry of six years from the date on which the amount due by way of interest became payable.

24. Inspections of documents.—No person shall be entitled to inspect or to receive information derived from any Government security in the possession or custody of the Government or from any book, register or other document kept or maintained by or on behalf of the Government in relation to Government securities or any Government security, save in such circumstances and manner and subject to such conditions as may be prescribed.

25. Officers to be deemed public officers.—For the purposes of section 184 of the Indian Evidence Act, 1872 (Central Act I of 1872), the provisions of Part IV of the Code of Civil Procedure, 1908 (Central Act V of 1908), relating to suits by or against public officers in their official capacity and the provisions of rule 27 of Order V, and rule 52 of Order XXI of the said Code, the competent authority and if the competent authority is an incorporated body, any officer of such competent authority acting in his capacity as such shall be deemed to be a public officer.

"**26. Penalty.**—(1) If any person, for the purpose of obtaining for himself or for any other person any title to a Government security, makes to any authority under this Act in any application made under this Act or in the course of any inquiry undertaken in pursuance of this Act any statement which is false and which he either knows

to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

(2) No Court shall take cognisance of any offence under sub-section (1) except on the complaint of the competent authority.

27. Power to make rules.— (1) The Government may, subject to the conditions of previous publication, by notification in the *Mysore Gazette*, make rules to carry out the purpose of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the forms in which Government securities may be issued;

(*b*) the form of the obligations referred to in clause (iv) of sub-clause (*a*) of clause (3) of section 2;

(*c*) the conditions subject to which Government securities may be issued to the Rulers of Indian States;

(*d*) the manner in which different forms of Government securities may be transferred;

(*e*) the holding of Government securities in the form of stock by the holders of office other than public offices, and the manner in which and the conditions subject to which Government securities so held may be transferred;

(*f*) the manner in which payment of interest in respect of Government securities is to be made and acknowledged;

(*g*) the conditions governing the grant of duplicate, renewed, converted, consolidated and sub-divided Government securities;

(*h*) the fees to be paid in respect of the issue of duplicate Government securities and of the renewal, conversion, consolidation and sub-division of Government securities;

(*i*) the form in which receipt of a Government security delivered for discharge, renewal, conversion, consolidation or sub-division is to be acknowledged;

(*j*) the manner of attestation of documents relating to Government securities in the form of stock;

(*k*) the manner in which any document relating to a Government security or any endorsement on a promissory note issued by the Government may, on the demand of a person who from any cause is unable to write, be executed on his behalf;

(*l*) the form of the bonds referred to in sub-section (1) of section 15;

(*m*) the circumstances and the manner in which and the conditions subject to which inspection of Government securities, books, registers and other documents may be allowed or information therefrom may be given under section 24;

(*n*) the procedure to be followed in making vesting orders;

(*o*) the authority by whom the certificate referred to in the proviso to section 7 is to be granted and the manner of making the inquiry therein mentioned.

(3) A copy of all rules under this section shall be laid on the table of the State Legislative Assembly as soon as may be after they are made.

28. Repeal of Mysore Act VIII of 1925.—The Government Securities Act, 1925 (Mysore Act VIII of 1925), is hereby repealed.

MYSORE ACT No. 11 OF 1953.

(*First published in the* Mysore Gazette *on the Fourth Day of June 1953.*)

THE EVACUEE INTEREST (SEPARATION) MYSORE SUPPLEMENTARY ACT, 1953.

(*Received the assent of the Rajpramukh on the Twenty-fifth Day of May* 1953.)

An Act to supplement certain provisions of the Evacuee Interest (Separation) Act, 1951, in [1][the State of Mysore except Bellary District].

WHEREAS it is expedient to supplement certain provisions of the Evacuee Interest (Separation) Act, 1951 (Central Act LXIV of 1951), in [1][the State of Mysore except Bellary District];

It is hereby enacted as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Evacuee Interest (Separation) Mysore Supplementary Act, 1953.

(2) It extends to the [1][whole of the State of Mysore except Bellary District].

(3) It shall be deemed to have come into force on the 15th day of December, 1952.

2. Validation of certain provisions of Central Act LXIV of 1951.— The Evacuee Interest (Separation) Act, 1951, shall, so far as it relates to any matter enumerated in List II in the Seventh Schedule to the Constitution, stand validated and binding as if it had been passed by the Legislature of the State of Mysore.

---

1. See the Mysore Adaptation of Laws Order, 1953.

MYSORE ACT No. 13 OF 1953.

(*First published in the* Mysore Gazette *on the Eighteenth Day of June 1953.*)

THE MYSORE AGRICULTURISTS' RELIEF (AMENDMENT) ACT, 1953.

(*Received the assent of the President on the Ninth Day of June 1953.*)

An Act further to amend the Mysore Agriculturists' Relief Act, 1928.

WHEREAS it is expedient further to amend the Mysore Agriculturists' Relief Act, 1928 (Mysore Act XVIII of 1928) ;

It is hereby enacted as follows :—

1. Short title.—This Act may be called the Mysore Agriculturists' Relief (Amendment) Act, 1953.

[**2—3.** Amendments made by sections 2 and 3 of the Act have been incorporated in Mysore Act XVIII of 1928.]

4. Amendment of section 24 of Mysore Act XVIII of 1928 and application to certain suits.—(1) In section 24 of the principal Act for the words " shall be deemed to be substituted for those prescribed in the second column in the Second Schedule annexed to the Mysore Limitation Act ", the words and figures " shall be deemed to be substituted for those prescribed in the second column of the First Schedule to the Indian Limitation Act, 1908 " shall be substituted and shall be deemed to have been substituted on the 1st day of April 1951.

(2) (*a*) Subject to the provisions of clause (*b*), in respect of any suit instituted on or after the 31st day of March 1953, and,

(i) pending at the commencement of this Act, the provision of Section 24 of the principal Act as amended by sub-section (1), shall be

applicable as if the said section as amended was in force at the time when such suit was instituted;

(ii) dismissed before the commencement of this Act, merely on the ground that it was not instituted within the prescribed period of limitation but which would not have been so dismissed if section 24 of the principal Act as amended by sub-section (1) was in force on the date of such institution, the court shall, on the application of the plaintiff made within a period of thirty days from such commencement and after notice to the defendant, make an order setting aside the dismissal and thereupon the provision of section 24 of the principal Act as amended by sub-section (1) shall be applicable to such suit as if the said section as amended was in force at the time when such suit was instituted.

(*b*) (i) If in any suit to which the provisions of clause (*a*) are applicable, the defendant deposits into court the costs of the plaintiff in the suit and makes an application to the court within a period of thirty days from the commencement of this Act or from the date of the order setting aside the dismissal of the suit, as the case may be, for ordering the return of the plaint, the court shall make an order returning the plaint to the plaintiff, and for payment to him of the amount deposited by the defendant.

(ii) The return of the plaint under sub-clause (i) shall not prevent the institution of a fresh suit within the period of limitation specified in section 24 as amended by sub-section (1).

MYSORE ACT No. 14 OF 1953.

(*First published in the* Mysore Gazette *on the Twenty-third Day of July 1953.*)

THE MOTOR VEHICLES (MYSORE AMENDMENT) ACT, 1953.

(*Received the assent of the President on the Eleventh Day of July 1953.*)

An Act to amend the Motor Vehicles Act, 1939, in its application to [1] [the State of Mysore except Bellary District].

WHEREAS it is expedient to amend the Motor Vehicles Act, 1939 (Central Act IV of 1939), in its application to [1] [the State of Mysore except Bellary District];

It is hereby enacted as follows:—

1. Short title and extent.—(1) This Act may be called the Motor Vehicles (Mysore Amendment) Act, 1953.

(2) It extends to the [1] [whole of the State of Mysore except Bellary District].

2. Amendment of section 58 of Central Act IV of 1939.—To section 58 of the Motor Vehicles Act, 1939, the following sub-section shall be added, namely :—

"(3) Notwithstanding anything contained in sub-section (1), the State Government may order a Regional Transport Authority or the State Transport Authority to limit the period to which any permit or class of permits is issued to any period less than three years."

3. Validation of certain permits issued or renewed prior to Act.—All permits purporting to have been issued or renewed during the period between the first day of April, 1952, and the date of commencement of this Act, authorising the use of transport vehicles as stage carriages for periods less than three years shall, notwithstanding anything to the contrary contained in the Motor Vehicles Act, 1939, or any other law, be deemed for all purposes to have been validly issued or renewed and shall not be called in question in any manner whatsoever.

1. See the Mysore Adaptation of Laws Order, 1953.

MYSORE ACT No. 15 OF 1953.

(First published in the Mysore Gazette *on the Thirtieth Day of July 1953.)*

THE INDUSTRIAL DISPUTES (MYSORE AMENDMENT) ACT, 1953.

(Received the assent of the President on the Sixteenth Day of July 1953.)

An Act to amend the Industrial Disputes Act, 1947, in its application to [1][the State of Mysore except Bellary District].

WHEREAS it is expedient to amend the Industrial Disputes Act, 1947 (Central Act XIV of 1947), in its application [1][to the State of Mysore except Bellary District];

It is hereby enacted as follows :—

1. Short title and commencement.—(1) This Act may be called the Industrial Disputes (Mysore Amendment) Act, 1953.

(2) It shall come into force at once.

2. Insertion of new section 10-A in Central Act XIV of 1947.—In Chapter III after section 10 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the following section shall be inserted, namely :—

"10-A. **Power to transfer cases.**—The State Government may, by order in writing and for reasons to be stated therein, at any stage transfer any industrial dispute pending before a Tribunal constituted by the State Government to any other Tribunal constituted by the State Government for adjudication, and the Tribunal to which the dispute is so transferred may, subject to any special directions in the order of transfer, proceed either *de novo* or from the stage at which it was transferred."

---

1. See the Mysore Adaptation of Laws Order, 1953.

MYSORE ACT No. 18 OF 1953.

(*First published in the* Mysore Gazette *on the Thirteenth Day of August 1953.*)

THE MYSORE APPROPRIATION (No. 3) ACT, 1953.

(*Received the assent of the Rajpramukh on the Ninth Day of August 1953.*)

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-four.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-four;

It is hereby enacted as follows:—

1. Short title.—This Act may be called the Mysore Appropriation (No. 3) Act, 1953.

2. Issue of Rs. 6,73,42,075 out of the Consolidated Fund of the State for the year 1953-54.—From and out of the Consolidated Fund of the State there may be paid and applied further sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of six crores seventy-three lakhs forty-two thousand and seventy-five rupees towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, one thousand nine hundred and fifty-four in respect of the services specified in column 2 of the Schedule.

3. Appropriation.—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, one thousand nine hundred and fifty-four.

THE SCHEDULE.

(*See* sections 2 and 3.)

1	2	3		
No. of Vote	Services and Purposes	Sums not exceeding		Total
		Charged on the Consolidated Fund	Voted by the Legislative Assembly	
	A. EXPENDITURE MET FROM REVENUE.	Rs.	Rs.	Rs.
4	10 Forest ...	...	90,000	90,000
	22 Interest on Debt and other obligations.	31,59,675	...	31,59,675
12	25 General Administration	...	18,780	18,780
13	25 General Administration (F. District Administration).	...	10,000	10,000
17	36 Scientific Departments ...	...	19,000	19,000
26	43 Industries and Supplies	...	75,100	75,100
29	50 Civil Works ...	...	15,20,500	15,20,500
	52 Interest on capital outlay on Electricity Schemes.	79,76,000	...	79,76,000
33	56 Stationery and Printing ...	...	30,920	30,920
37	XVII. I. N. E. and D. Works for which capital accounts are kept—Working Expenses	...	2,99,900	2,99,900
38	XLI. Receipts from Electricity Schemes—Working Expenses.	...	2,12,375	2,12,375
	TOTAL EXPENDITURE MET FROM REVENUE.	1,11,34,675	22,76,575	1,34,11,250
	B CAPITAL OUTLAY NOT MET FROM REVENUE.			
41	72 Capital outlay on Industrial Development.	...	1,75,000	1,75,000
42	81-A. Capital outlay on Electricity Schemes outside the Revenue A/c.	...	16,73,825	16,73,825
	TOTAL CAPITAL OUTLAY NOT MET FROM REVENUE.	...	18,48,825	18,48,825
	C. DISBURSEMENT OF ADVANCES AND LOANS.			
45	R. Loans and Advances by State Government.	...	5,00,000	5,00,000
	D. PUBLIC DEBT.			
	N. Public Debt.—Discharged	5,15,82,000	...	5,15,82,000
	GRAND TOTAL ...	6,27,16,675	46,25,400	6,73,42,075

MYSORE ACT No. 2 OF 1954.

(First published in the Mysore Gazette *on the Fourth Day of February 1954.)*

THE MADRAS DISTRICT BOARDS (MYSORE AMENDMENT) ACT, 1954.

(Received the assent of the Rajpramukh on the Thirtieth Day of January 1954.)

An Act to amend the Madras District Boards (Amendment) Act, 1953, as in force in Bellary District.

WHEREAS it is expedient to amend the Madras District Boards (Amendment) Act, 1953, (Madras Act V of 1953), as in force in Bellary District;

It is hereby enacted as follows :—

1. **Short title.**—This Act may be called the Madras District Boards (Mysore Amendment) Act, 1954.

2. **Amendment of section 1 of Madras Act V of 1953.**—In sub-section (2) of section 1 of the Madras District Boards (Amendment) Act, 1953, as in force in Bellary District, for the words and figures " the 31st March 1954 ", the words " such date as the State Government may by notification in the *Mysore Gazette* appoint " shall be substituted.

MYSORE ACT No. 3 OF 1954.

(*First published in the* Mysore Gazette *on the Fourth Day of February 1954.*)

THE MYSORE APPROPRIATION ACT, 1954.

(*Received the assent of the Rajpramukh on the Thirtieth Day of January 1954.*)

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-four.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-four;

It is hereby enacted as follows :—

1. **Short title.**—This Act may be called the Mysore Appropriation Act, 1954.

2. **Issue of Rs. 3,10,93,361 out of the Consolidated Fund of the State for the year 1953-54.**—From and out of the Consolidated Fund of the State, there may be paid and applied further sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of three crores ten lakhs ninety-three thousand three hundred and sixty-one towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, one thousand nine hundred and fifty-four in respect of the services specified in column 2 of the Schedule.

3. **Appropriation.**—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act cover expenditure in the transferred territory and shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, one thousand nine hundred and fifty-four.

THE SCHEDULE.

(See *sections 2 and 3.*)

1	2			3		
No. of Vote	Services and Purposes			Sums not exceeding		
				Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
	A. EXPENDITURE MET FROM REVENUE.			Rs.	Rs.	Rs.
1	7 Land Revenue	...	...	27,000		27,000
2	8 State Excise Duties	...	...	2,600		2,600
3	9 Stamps	...	...	17,400		17,400
4	10 Forest	...	...	55,800		55,800
5	11 Registration	..	...	26,900		26,900
6	12 Charges on account of Motor Vehicles Acts		...	2,03,900		2,03,900
7	13 Other Taxes and Duties	...	...	1,11,500		1,11,500
8	18 Other Revenue Expenditure financed from Ordinary Revenue.	...	...	3,93,400		3,93,400
	22 Interest on Debt and other obligations ...		...		23,00,000	23,00,000
	23 Appropriation for Reduction or avoidance of Debt		...		2,00,000	2,00,000
11	25 General Administration (A, D and H)	...	...	24,300		24,300
12	Do (B and C)	...	...	48,900		48,900
13	Do (F)	...	...	4,47,400		4,47,400
14	27 Administration of Justice	...	...	1,29,800	45,000	1,74,800
15	28 Jails and Convict Settlements	...	...	7,29,400		7,29,400
16	29 Police	...	...	8,44,800		8,44,800
17	36 Scientific Departments	...	...	1,14,500		1,14,500
18	37 Education	...	...	8,01,600		8,01,600
19	38 Medical	...	...	2,35,000		2,35,000
20	39 Public Health	...	...	96,200		96,200
21	40 Agriculture (except Botanical and other Public Gardens)			9,31,400		9,31,400
23	40A Rural Development	...	...	5,05,800		5,05,800
24	41 Veterinary	...	...	1,55,000		1,55,000
25	42 Co-operation	...	...	72,500		72,500
26	43 Industries and Supplies (excluding Sericulture)		...	67,700		67,700
27	43-a 4 Sericulture	...	..	10,900		10,900
28	47 Miscellaneous Departments	...	...	2,31,100		2,31,100
29	50 Civil Works	...	...	18,33,900		18,33,900
30	54 Famine	...	...	31,600		31,600
31	54-A Territorial and Political Pensions	..	...	5,900		5,900
32	55 Superannuation Allowances and Pensions		...	1,08,600	2,200	1,10,800
32A	55A. Commutation of Pension financed from Ordinary Revenues	...	...	11,200		11,200
34	57 Miscellaneous	...	...	7,400		7,400
35	63 Extraordinary Charges	...	...	15,500		15,500
35A	63B Community Development Project	...	...	2,00,000		2,00,000
35B	65 Payment of compensation to Landholders on the abolition of Zamindari system	...	...	5,000		5,000
37	XVII. I.N.E. and D. Works for which capital accounts are kept—Working Expenses.	...	...	2,85,900		2,35,900
38	XLI Receipts from Electricity Schemes—Working expenses			3,53,700		3,53,700
	Total Expenditure met from Revenue		...	91,42,500	25,47,200	1,16,89,700
	B. CAPITAL OUTLAY NOT MET FROM REVENUE.					
40	68 Construction of I.N.E. and D. Works outside the Revenue Account	...	...	96,00,000		96,00,000
41	72 Capital Outlay on Industrial Development	...	...	100		100
41A	81 Capital Account of Civil Works outside the Revenue Accounts	...	...	1,100		1,100
42	81A Capital Account of Electricity Schemes outside the Revenue Account	...	...	49,60,000		49,60,000
42A	82 Capital Account of other State Works outside the Revenue Account	...	...	37,500		37,500
43A	83 Payment of Commuted Value of Pension	...	...	100		100
44	85A Capital Outlay on State Schemes of Government Trading	...	...	15,36,700		15,36,700
	Total Capital Outlay not met from Revenue		...	1,61,35,500		1,61,35,500
	Total C. O.			2,52,78,000	25,47,200	2,78,25,200

1	2	3		
No. of Vote	Services and Purposes	Sums not exceeding		Total
		Voted by the Legislative Assembly	Charged on the Consolidated Fund	
		Rs.	Rs.	Rs.
	Total B F. ...	2,52,78,000	25,17,200	2,78,25,200
	C. DISBURSEMENT OF ADVANCES AND LOANS.			
45	R. Loans and Advances	29,95,800		29,95,800
	D. PUBLIC DEBT—Repayment.			
	N. Public Debt— (iii) Loans from Centre—Repayment	...	2,72,361	2,72,361
	Grand Total ...	2,82,73,800	28,19,561	3,10,93,361

MYSORE ACT No. 5 OF 1954.

(*First published in the* Mysore Gazette *on the Eleventh Day of February 1954.*)

THE MYSORE TENANCY (AMENDMENT) ACT, 1954.

(*Received the assent of the Rajpramukh on the First Day of February 1954.*)

An Act to amend the Mysore Tenancy Act, 1952.

WHEREAS it is expedient to amend the Mysore Tenancy Act, 1952 (Mysore Act XIII of 1952);

It is hereby enacted as follows :—

1. Short title.—This Act may be called the Mysore Tenancy (Amendment) Act, 1954.

[**2—5.** Amendments made by sections 2 to 5 of the Act have been incorporated in Mysore Act XIII of 1952.]

6. Application of section 3 to certain tenancies.—(1) The amendment made to the principal Act by section 3 of this Act shall be applicable to every tenancy in respect of which the tenant has been in continuous possession of the land from the date of commencement of the principal Act up to and inclusive of the date of commencement of this Act, as if section 5 of the principal Act as amended by this Act had been in force from the seventh day of April 1952.

(2) Any application made, appeal preferred or other proceeding instituted before any court or other authority in respect of any tenancy and pending on the date of commencement of this Act shall be disposed of, as if section 5 of the principal Act as amended by section 3 of this Act, had been in force from the seventh day of April 1952.

7. Repeal of Mysore Ordinance 1 of 1953 and savings.—The Mysore Tenancy (Amendment) Ordinance, 1953, is hereby repealed, but anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act as if this Act had come into force on the second day of November 1953.

MYSORE ACT No. 6 OF 1954.

(*First published in the* Mysore Gazette *on the Eleventh Day of February 1954.*)

THE MADRAS PRESERVATION OF PRIVATE FORESTS (MYSORE AMENDMENT) ACT, 1954.

(*Received the assent of the Rajpramukh on the Third Day of February* 1954.)

An Act to amend the Madras Preservation of Private Forests Act, 1949, as in force in Bellary District.

WHEREAS it is expedient to amend the Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949), as in force in Bellary District;

It is hereby enacted as follows :—

1. **Short title.**—This Act may be called the Madras Preservation of Private Forests (Mysore Amendment) Act, 1954.

2. **Amendment of section 1 of Madras Act XXVII of 1949.**—In sub-section (3) of section 1 of the Madras Preservation of Private Forests Act, 1949, for the figures "1953", the figures "1954", shall be substituted.

3. **Repeal of Mysore Ordinance 2 of 1953.**—The Madras Preservation of Private Forests (Mysore Amendment) Ordinance, 1953, is hereby repealed.

MYSORE ACT No. 7 OF 1954.

(First published in the Mysore Gazette *on the Eleventh Day of February 1954.)*

THE MADRAS SUGAR FACTORIES CONTROL (MYSORE AMENDMENT) ACT, 1954.

Received the assent of the Rajpramukh on the Third Day of February 1954.)

An Act to amend the Madras Sugar Factories Control Act, 1949, as in force in Bellary District.

WHEREAS it is expedient to amend the Madras Sugar Factories Control Act, 1949 (Madras Act XX of 1949), as in force in Bellary District ;

It is hereby enacted as follows :—

1. Short title.—This Act may be called the Madras Sugar Factories Control (Mysore Amendment) Act, 1954.

2. Amendment of section 14 of Madras Act XX of 1949.—In sub-sections (1), (2) and (4) of section 14 of the Madras Sugar Factories Control Act, 1949, as in force in Bellary District, the words " after consulting the Advisory Committee " shall be omitted.

3. Repeal of Mysore Ordinance 3 of 1953 and savings.—The Madras Sugar Factories Control (Mysore Amendment) Ordinance, 1953, is hereby repealed, but anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act as if this Act had come into force on the twenty-second day of December 1953.

MYSORE ACT No. 8 OF 1954.

(First published in the Mysore Gazette *on the Eleventh Day of February 1954.)*

THE MYSORE CO-OPERATIVE SOCIETIES (EXTENSION OF APPLICATION TO BELLARY) ACT, 1954.

(Received the assent of the Rajpramukh on the Third Day of February 1954.)

An Act to extend the application of the Mysore Co-operative Societies Act, 1948, to Bellary District.

WHEREAS it is expedient to extend the application of the Mysore Co-operative Societies Act, 1948 (Mysore Act LII of 1948), to Bellary District;

It is hereby enacted as follows :—

1. Short title.—This Act may be called the Mysore Co-operative Societies (Extension of Application to Bellary) Act, 1954.

2. Extension of Mysore Act LII of 1948 and rules and orders thereunder to Bellary District.—(1) The Mysore Co-operative Societies Act, 1948, and all rules and orders made thereunder which are in force before the commencement of this Act in the State of Mysore except Bellary District are hereby extended to and shall be in force in the Bellary District.

(2) In sub-section (2) of section 1 of the Mysore Co-operative Societies Act, 1948, for the words "the whole of the State of Mysore except Bellary District", the words "the whole of the State of Mysore" shall be substituted.

3. Construction of references to laws not in force in Bellary District.—Any reference in the Mysore Co-operative Societies Act, 1948, and the rules and orders made thereunder, to a Mysore Act which is not in force in Bellary District, shall, in relation to that District, be construed as a reference to the corresponding law in force in that District.

Explanation.—In this section, "Mysore Act" means a Mysore Act in force in the State of Mysore except Bellary District on the date of commencement of this Act.

4. Repeal of Madras Acts and savings.—The Madras Co-operative Societies Act, 1932 (Madras Act VI of 1932), and the Madras Co-operative Land Mortgage Banks Act, 1934 (Madras Act X of 1934), and all rules and orders made under the said Acts, as in force in Bellary District, shall, upon the commencement of this Act, stand repealed:

Provided that such repeal shall not affect—

(*a*) the previous operation of the said Acts, rules and orders, or anything duly done or suffered thereunder;

(*b*) any right, privilege, obligation or liability, acquired, accrued or incurred under the said Acts, rules or orders; or

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Acts, rules or orders, or

(*d*) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, forfeiture or punishment, as aforesaid, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further that subject to the preceding proviso anything done or any action taken (including any appointment or delegation made, notification, order, instruction or direction issued, rule, form or bye-law framed, certificate obtained, registration effected) under the said Acts, rules or orders shall be deemed to have been done or taken under the corresponding provisions of the Mysore Co-operative Societies Act, 1948, or the rules or orders made thereunder, and shall continue to be in force accordingly.

5. Repeal of Mysore Ordinance 4 of 1953.—The Mysore Co-operative Societies (Extension of Application to Bellary District) Ordinance, 1953, is hereby repealed.

MYSORE ACT No. 11 OF 1954.

(*First published in the* Mysore Gazette *on the Thirtieth Day of March 1954.*)

THE MYSORE STAMP (AMENDMENT) ACT, 1954.

(*Received the assent of the Rajpramukh on the Twenty-ninth Day of March 1954.*)

An Act further to amend the Mysore Stamp Act, 1900.

WHEREAS it is expedient further to amend the Mysore Stamp Act, 1900 (Mysore Act II of 1900);

It is hereby enacted as follows:—

1. Short title and commencement.—(1) This Act may be called the Mysore Stamp (Amendment) Act, 1954.

(2) It shall come into force on the first day of April, 1954.

[**2-4.** Amendments made by sections 2, 3 and 4 of the Act have been incorporated in Mysore Act II of 1900.]

5. Validation of the levy or collection of war surcharge on Stamp Duty and Repeal of Mysore Act XXIV of 1944:—(1) Notwithstanding anything to the contrary contained in any law the levy or collection of surcharge on stamp duty by virtue of any notification issued under Section 4 of the Mysore Amusements and Betting Taxes and Stamp Duties (War Surcharge) Act, 1944, during the period beginning with the 1st day of April 1946 and ending with the date of coming into force of this Act shall not be called in question in any proceeding before any court or other authority on the ground that the levy or collection of the said surcharge was not authorised by any law for the time being in force, and any levy or collection or anything which has been done during the said period in purported exercise of any such power as was conferred by Section 4 of the Mysore Amusements and Betting Taxes, and Stamp Duties (War Surcharge) Act, 1944, and which would have been lawfully levied or collected or done if this Act had come into operation on the 1st day of April 1946, shall be deemed to have been lawfully levied or collected or done as if this Act had been in force on and from the first day of April 1946.

(2) The Mysore Amusements and Betting Taxes and Stamp Duties (War Surcharge) Act, 1944, is hereby repealed.

MYSORE ACT No. 12 OF 1954.

(*First published in the* Mysore Gazette *on the Thirty-first Day of March 1954.*)

THE MYSORE APPROPRIATION (No. 2) ACT, 1954.

(*Received the assent of the Rajpramukh on the Thirty-first Day of March 1954.*)

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State for the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-five.

WHEREAS it is expedient to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State for the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-five;

It is hereby enacted as follows :—

1. **Short title.**—This Act may be called the Mysore Appropriation (No. 2) Act, 1954.

2. **Issue of Rs. 49,15,96,150 out of the Consolidated Fund of the State for the year 1954-55.**—From and out of the Consolidated Fund of the State, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of forty-nine crores, fifteen lakhs, ninety-six thousand one hundred and fifty rupees towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, one thousand nine hundred and fifty-five in respect of the services specified in column 2 of the Schedule.

3. **Appropriation.**—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, one thousand nine hundred and fifty-five.

THE SCHEDULE.

(*See* sections 2 and 3).

1	2	3		
No. of Vote	Services and Purposes	Sums not exceeding: Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
	A. EXPENDITURE MET FROM REVENUE.	Rs.	Rs.	Rs.
1	7 Land Revenue	33,69,000		33,69,000
2	8 State Excise Duties	8,86,000		8,86,000
3	9 Stamps	2,81,000		2,81,000
4	10 Forest	42,36,800		42,36,800
5	11 Registration	5,51,000		5,51,000
6	12 Charges on account of Motor Vehicles Acts ...	2,75,000	7,30,000	10,05,000
7	13 Other Taxes and Duties	9,15,000		9,15,000
8	18 Other Revenue Expenditure financed from ordinary Revenues	61,09,000		61,09,000
9	19 Construction of Irrigation, Navigation, Embankment and Drainage Works	16,89,000		16,89,000
	22 Interest on Debt and other obligations	}	1,42,19,000	1,42,19,000
	23 Appropriation for Reduction or avoidance of Debt ...			
11	25 General Administration (A, D and H)	44,91,150	4,40,800	49,31,950
12	Do (B and C)	12,75,700	59,000	13,34,700
13	Do (F)	41,40,900		41,40,900
14	27 Administration of Justice	27,95,900	3,75,100	31,71,000
15	28 Jails and Convict Settlements	18,52,000		18,52,000
16	29 Police	1,19,80,500		1,19,80,500
17	36 Scientific Departments	9,27,000		9,27,000
18	37 Education	3,77,90,000		3,77,90,000
19	38 Medical	1,10,12,000		1,10,12,000
20	39 Public Health ...	42,29,000		42,29,000
21	40 Agriculture (except Botanical and other Public Gardens)	52,73,333		52,73,333
22	40-h Botanical and other Public Gardens	9,07,124		9,07,124
23	40A Rural Development	49,15,000		49,15,000
24	41 Veterinary	29,11,000		29,11,000
25	42 Co-operation	7,80,000		7,80,000
26	43 Industries and Supplies (excluding Sericulture) ...	6,48,20,100		6,48,20,100
27	43-*a* 4 Sericulture	11,18,200		11,18,200
28	47 Miscellaneous Departments	12,33,000		12,33,000
29	50 Civil Works	3,14,82,943		3,14,82,943
	52 Interest on Capital outlay on Electricity Schemes ...		88,54,000	88,54,000
30	54 Famine	31,10,000		31,10,000
31	54A Territorial and Political Pensions	2,78,000		2,78,000
32	55 Superannuation Allowances and Pensions	64,07,500	87,500	64,95,000
32A	55A Commutation of Pension financed from ordinary Revenues	2,45,000	5,000	2,50,000
33	56 Stationery and Printing	22,02,000		22,02,000
34	57 Miscellaneous	26,68,100		26,68,100
35	63 Extraordinary Charges	25,00,000		25,00,000
35A	63B Community Development Projects	22,11,000		22,11,000
35	65 Payment of compensation to Landholders on the abolition of Zamindari system	10,000		10,000
36	X Forest—3 (i) Wood Preservation Plant Working Expenses and Seigniorage	4,40,000		4,40,000
37	XVII I.N.E. and D. Works for which Capital Accounts are kept—Working Expenses	33,28,000		33,28,000
38	XLI Receipts from Electricity Schemes—Working expenses	1,60,64,400		1,60,64,400
39	XLVI A. Receipts from Road Transport Schemes—Working Expenses	47,50,000		47,50,000
	Total Expenditure met from Revenue ...	25,64,60,650	2,47,70,400	28,12,31,050
	Total Carried Over ...	25,64,60,650	2,47,70,400	28,12,31,050

1	2	3		
No. of Vote	Services and Purposes	Sums not exceeding		Total
		Voted by the Legislative Assembly	Charged on the Consolidated Fund	
		Rs.	Rs.	Rs.
	Total Brought Forward ...	25,64,60,650	2,47,70,400	28,12,31,050
	B. CAPITAL OUTLAY NOT MET FROM REVENUE.			
40	68 Construction of I.N.E. and D. Works—Outside the Revenue Account	3,33,96,000		3,33,96,000
41	72 Capital Outlay on Industrial Development ...	1,81,30,000		1,81,30,000
41A	81 Capital Account of Civil Works outside the Revenue Account	28,00,000		28,00,000
42	81A Capital Account of Electricity Schemes outside the Revenue Account	2,40,07,000		2,40,07,000
43	82B Capital outlay on Road Transport Schemes ...	27,00,000		27,00,000
43A	83 Payment of Commuted Value of Pensions ...	100		100
44	85A Capital Outlay on State Schemes of Government Trading	5,51 00,000		5,51,00,000
	Total Capital Outlay not met from Revenue	13,61,33,100		13,61,33,100
	C. DISBURSEMENT OF ADVANCES AND LOANS.			
45	R. Loans and Advances by the State Government ...	2,02,77,000		2,02,77,000
	D. PUBLIC DEBT—REPAYMENT.			
	N. Public Debt—			
	I Permanent Debt		1,50,000	1,50,000
	II Floating Debt		5,00,00,000	5,00,00,000
	III Loans from Centre		38,05,000	38,05,000
	Total D. Public Debt ...		5,39,55.000	5.39,55,000
	Grand Total ...	41,28,70,750	7,87,25,400	49,15,96,150

MYSORE ACT No. 13 OF 1954.

(*First published in the* Mysore Gazette *on the Thirty-first Day of March 1954.*)

THE MYSORE APPROPRIATION (No. 3) ACT, 1954.

(*Received the assent of the Rajpramukh on the Thirty-first Day of March 1954*).

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-four.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-four;

It is hereby enacted as follows :—

1. **Short title.**—This Act may be called the Mysore Appropriation (No. 3) Act, 1954.

2. **Issue of Rs. 1,700 out of the Consolidated Fund of the State for the year 1953-54.**—From and out of the Consolidated Fund of the State, there may be paid and applied further sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of one thousand seven hundred rupees towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, one thousand nine hundred and fifty-four in respect of the services specified in column 2 of the Schedule.

3. **Appropriation.**—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, one thousand nine hundred and fifty-four.

THE SCHEDULE.

(*See* sections 2 and 3.)

1	2	3		
No. of Vote	Services and Purposes	Sums not exceeding		Total
		Voted by the Legislative Assembly	Charged on the Consolidated Fund	
	A. EXPENDITURE MET FROM REVENCE.	Rs.	Rs.	Rs.
9	19 Construction of Irrigation, Navigation, Embankment and Drainage Works	300		300
18	37 Education	100		100
23	40A Rural Development	200		200
26	43 Industries and Supplies (excluding Sericulture) ...	100		100
29	50 Civil Works	500		500
34	57 Miscellaneous	100		100
	Total Expenditure met from Revenue ...	1,300		1,300
	B. CAPITAL OUTLAY NOT MET FROM REVENUE.			
40	68 Construction of I.N.E. and D. Works outside the Revenue Account	200		200
41	72 Capital Outlay on Industrial Development ...	100		100
42	81A Capital Account of Electricity Schemes outside the Revenue Account	100		100
	Total Capital Outlay not met from Revenue ...	400		400
	Grand Total ..	1,700		1,700

MYSORE ACT No. 20 OF 1954.

(*First published in the* Mysore Gazette *on the Sixth Day of May 1954.*)

THE MYSORE POLICE (AMENDMENT) ACT, 1954.

(*Received the assent of the Rajpramukh on the Twenty-eighth Day of April 1954.*)

An Act further to amend the Mysore Police Act, 1908.

WHEREAS it is expedient further to amend the Mysore Police Act, 1908 (Mysore Act V of 1908);

It is hereby enacted as follows :—

1. Short title and commencement.—(1) This Act may be called the Mysore Police (Amendment) Act, 1954.

(2) It shall come into force at once in the cities of Bangalore, Mysore and Davangere and in the towns of Kolar, Tumkur, Chitaldrug, Shimoga, Chikmagalur, Hassan and Mandya and in the Kolar Gold Fields Sanitary Board Area and the old and new Towns of Bhadravathi; and it shall come into force in such other areas from such dates as the State Government may, by notification in the *Mysore Gazette*, specify in this behalf.

2. Insertion of new sections 38-A and 38-B in Mysore Act V of 1908.—After section 38 of the Mysore Police Act, 1908 (hereinafter referred to as the principal Act), the following sections shall be inserted, namely :—

"38-A. *Control of sound or noise.*—(1) If the District Superintendent or the Assistant Superintendent or any Magistrate of the First Class having jurisdiction in any area is satisfied from the report of an officer in charge of a Police Station or other information received by him that it is necessary to do so in order to prevent annoyance, disturbance, discomfort or injury or likelihood of annoyance, disturbance, discomfort or injury to the public or to any persons who dwell in the vicinity, he may, by a written order issue such direction as he may consider necessary to any person for

preventing, prohibiting, controlling or regulating the incidence or continuance in or upon any premises or place of—

(i) any vocal or instrumental music, or

(ii) sounds caused by the playing, beating, clashing, blowing or use in any manner whatsoever of any instrument, appliance, apparatus or contrivance which is capable of producing sound.

(2) The officer empowered under sub-section (1) may, either on his own motion or on the application of any person aggrieved by an order made under sub-section (1), either rescind, modify or alter any such order:

Provided that before any such application is disposed of the said officer shall afford to the applicant an opportunity of appearing before him either in person or by pleader and showing cause against the order and shall, if he rejects any such application either wholly or in part, record his reasons for such rejection.

38-B. *Licensing use of Loudspeakers, etc.*—Subject to the provisions of section 38-A, no person shall use or operate—

(i) in or upon any premises any loudspeaker or other apparatus for amplifying any musical or other sound, at such pitch or volume as to be audible beyond fifty feet from such premises;

(ii) in any open space any loudspeaker or other apparatus for amplifying any musical or other sound, at such pitch or volume as to be audible beyond two hundred feet from the place at which the musical or other sound is produced or reproduced,

except under and in accordance with the conditions of a licence granted by the District Superintendent or in such local area by such other officer as the State Government may, by notification in the *Mysore Gazette*, specify in this behalf."

3. Amendment of section 51 of Mysore Act V of 1908.—In section 51 of the principal Act, for the figures and word "40 or 41", the figures, letter and words "38-A or 40 or 41" shall be substituted.

4. Amendment of section 56 of Mysore Act V of 1908.—After clause (*h*) of section 56 of the principal Act, the following clause shall be inserted, namely:—

"(*ha*) uses or operates at any place any apparatus for amplifying any musical or other sound, such as a megaphone or

loudspeaker, at any time between ten o'clock in the night and six o'clock in the morning, whereby any annoyance, disturbance, or discomfort is caused to the inhabitants in the vicinity."

5. Insertion of new section 67-A in Mysore Act V of 1908.— After section 67 of the principal Act, the following section shall be inserted, namely :—

" 67-A. *Penalty for contravening orders under section 38-A or 38-B.*—Whoever contravenes any order under section 38-A or section 38-B or any condition of a licence granted thereunder or abets the contravention thereof, shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both."

6. Amendment of section 75 of Mysore Act V of 1908.—In section 75 of the principal Act, after the figures "62", the figures and letter "67-A" shall be inserted.

MYSORE ACT No. 22 OF 1954.

(*First published in the* Mysore Gazette *on the Nineteenth Day of August, 1954.*)

THE MYSORE HOUSE RENT AND ACCOMMODATION CONTROL (AMENDMENT) ACT, 1954.

(*Received the assent of the President on the Second Day of August 1954.*)

An Act to amend the Mysore House Rent and Accommodation Control Act, 1951.

WHEREAS it is expedient to amend the Mysore House Rent and Accommodation Control Act, 1951 (Mysore Act XXX of 1951);

It is hereby enacted as follows:—

1. Short title.—This Act may be called the Mysore House Rent and Accommodation Control (Amendment) Act, 1954.

[**2—15.** Amendments made by sections 2 to 15 of the Act, have been incorporated in Mysore Act XXX of 1951.]

16. Application of Act to pending proceedings.—Any application made, appeal preferred or other proceeding instituted under the principal Act and pending at the commencement of this Act shall be disposed of as if this Act had been in force at the time when such application, appeal or proceeding was made, preferred or instituted.

MYSORE ACT No. 23 OF 1954.

(*First published in the* Mysore Gazette *on the Nineteenth Day of August 1954.*)

THE MYSORE MATERNITY BENEFIT (EXTENSION TO BELLARY) ACT, 1954.

(*Received the assent of the President on the Sixth Day of August 1954.*)

An Act to extend the application of the Mysore Maternity Benefit Act, 1937, to Bellary District.

WHEREAS it is expedient to extend the Mysore Maternity Benefit Act, 1937 (Mysore Act III of 1937) to Bellary District;

It is hereby enacted as follows :—

1. Short title.—This Act may be called the Mysore Maternity Benefit (Extension to Bellary) Act, 1954.

2. Extension of Mysore Act III of 1937 and rules and orders thereunder, etc.—(1) The Mysore Maternity Benefit Act, 1937 (hereinafter referred to as the principal Act) and all the rules and orders thereunder which are in force before the commencement of this Act in the State of Mysore except Bellary District are hereby extended to and shall be in force in the Bellary District.

(2) For sub-section (1) of section 2 of the principal Act, the following sub-section shall be substituted, namely :—

" (1) It extends to the whole of the State of Mysore."

(3) In section 3 of the principal Act, for the words and figures " Mysore Factories Act, 1936 ", the words, figures and brackets " Factories Act, 1948, (Central Act LXIII of 1948)" shall be substituted.

(4) In clause (*a*) of sub-section (2) of section 14 of the principal Act, for the words and figures " section 41 of the Mysore Factories Act, 1936 ", the words, figures and brackets "section 62 of the Factories Act, 1948 (Central Act LXIII of 1948)" shall be substituted.

3. Repeals and Savings.—The Madras Maternity Benefit Act, 1935 (Madras Act VI of 1935), and all rules and orders made under the said Act as in force in Bellary District, shall, upon the commencement of this Act, stand repealed :

Provided that such repeal shall not affect—

(*a*) the previous operation of the said Act, rules and orders or anything duly done or suffered thereunder ;

(*b*) any right, privilege, obligation, or liability acquired, accrued or incurred under the said Act, rules or orders ; or

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Act, rules and orders, or

(*d*) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, forfeiture or punishment, as aforesaid, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not come into force :

Provided further that subject to the preceding proviso anything done or any action taken (including any appointment or delegation made, notification, order, instruction or direction issued, rule framed) under this Act, rules or orders shall be deemed to have been done or taken under the corresponding provisions of the Mysore Maternity Benefit Act, 1937, or the rules or orders made thereunder, and shall continue to be in force accordingly.

MYSORE ACT No. 24 OF 1954.

(First published in the Mysore Gazette *on the Nineteenth Day of August 1954.)*

THE MYSORE SHOPS AND ESTABLISHMENTS (EXTENSION TO BELLARY) ACT, 1954.

(Received the assent of the President on the Fifth Day of August 1954.)

An Act to extend the application of the Mysore Shops and Establishments Act, 1948, to Bellary District.

WHEREAS it is expedient to extend the Mysore Shops and Establishments Act, 1948 (Mysore Act II of 1948), to Bellary District;

It is hereby enacted as follows :—

1. Short title.—This Act may be called the Mysore Shops and Establishments (Extension to Bellary) Act, 1954.

2. Extension of the Mysore Act II of 1948 and rules and orders thereunder, etc.—(1) The Mysore Shops and Establishments Act, 1948 (hereinafter referred to as the principal Act), and all rules and orders made thereunder which are in force before the commencement of this Act in the State of Mysore except Bellary District are hereby extended to and shall be in force in the Bellary District.

(2) For sub-section (2) of section 1 of the principal Act, the following sub-section shall be substituted, namely :—

"(2) It extends to the whole of the State of Mysore".

(3) In clause (7) of section 2 of the principal Act, for the words, figures, brackets and letter "clause (*j*) of section 2 of the Mysore Factories Act, 1936,", the words, figures, brackets and letter "clause (*m*) of section 2 of the Factories Act, 1948 (Central Act LXIII of 1948)" shall be substituted.

(4) In clause (*i*) of sub-section (2) of section 34 of the principal Act, for the words and figures "the Provident Funds Act, 1916", the words, figures and brackets "the Provident Funds Act, 1925 (Central Act XIX of 1925)" shall be substituted.

3. Repeals and Savings.—The Madras Shops and Establishments Act, 1947 (Madras Act XXXVI of 1947), and all the rules and orders made under the said Act as in force in Bellary District, shall upon the commencement of this Act, stand repealed :

Provided that such repeal shall not affect,—

(*a*) the previous operation of the said Act, rules and orders, or anything duly done or suffered thereunder ;

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under the said Act, rules or orders ; or

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Act, rules and orders ; or

(*d*) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, forfeiture or punishment as aforesaid, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not come into force :

Provided further that subject to the preceding proviso anything done or any action taken (including any appointment or delegation made, notification, order, instruction or direction issued, rule framed) under the said Act, rules or orders shall be deemed to have been done or taken under the corresponding provisions of the Mysore Shops and Establishments Act, 1948, or the rules or orders made thereunder, and shall continue to be in force accordingly.

MYSORE ACT No. 26 OF 1951.

(*First published in the* Mysore Gazette *on the Fifteenth Day of October 1954.*)

THE MADRAS GENERAL SALES TAX (MYSORE AMENDMENT) ACT, 1954.

(*Received the assent of the President on the Thirtieth Day of September 1954.*)

An Act to amend the Madras General Sales Tax Act, 1939, as in force in Bellary District.

WHEREAS it is expedient to amend the Madras General Sales Tax Act, 1939 (Madras Act No. IX of 1939), as in force in Bellary District ;

It is hereby enacted as follows :—

1. Short title and commencement.—(1) This Act may be called the Madras General Sales Tax (Mysore Amendment) Act, 1954.

(2) This section shall come into force at once ; and the remaining sections shall come into force on such date as the State Government may, by notification in the *Mysore Gazette*, appoint.

2. Amendment of section 3 of Madras Act IX of 1939.—In sub-section (2) of section 3 of the Madras General Sales Tax Act, 1939, as in force in Bellary District (hereinafter referred to as the principal Act) after item (vii) the following item shall be added, namely :—

"(viii) Textiles made in Mills except coarse and medium cotton cloth ... Three pies.

Explanation.—In this item 'coarse cloth' means any cloth in which the count of warp yarn employed (excluding the border) is below 17s (whether single or folded) and 'medium cloth' means any cloth in which the count of warp yarn employed (excluding the border) is 17s or finer but is less than 35s (whether single or folded)."

3. Amendment of section 5 of Madras Act IX of 1939.—In section 5 of the principal Act,—

(*a*) in clause (i) the words "and of any cloth woven on hand-looms wholly with handspun yarn and sold by persons dealing exclusively in such cloth" shall be omitted ;

(*b*) clause (iii) shall be omitted ;

(*c*) in clause (iv) for the word "one-fourth" the word "one-half" shall be substituted.

MYSORE ACT No. 28 OF 1954.

(*First published in the* Mysore Gazette *on the Twentieth Day of November 1954.*)

THE MADRAS TENANTS AND RYOTS PROTECTION (MYSORE AMENDMENT) ACT, 1954.

(*Received the assent of the President on the 20th day of November 1954.*)

An Act to amend the Madras Tenants and Ryots Protection Act, 1949, as in force in Bellary District.

BE it enacted by the Mysore State Legislature in the Fifth Year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Madras Tenants and Ryots Protection (Mysore Amendment) Act, 1954.

2. **Amendment of section 1 of Madras Act XXIV of 1949.**—In sub-section (3) of section 1 of the Madras Tenants and Ryots Protection Act, 1949, as in force in Bellary District, for the words, figures and letters " shall remain in force up to and inclusive of 7th October, 1954 ", the words, figures and letters " shall remain in force up to and inclusive of 7th October 1955 " shall be substituted.

3. **Repeal of Mysore Ordinance 1 of 1954.**—The Madras Tenants and Ryots Protection (Mysore Amendment) Ordinance, 1954, is hereby repealed.

MYSORE ACT No. 29 OF 1954.

(*First published in the* Mysore Gazette, *on the Twenty-fifth day of November* 1954.)

THE MYSORE CONTRACT (EXTENSION TO AGRICULTURAL LAND) ACT, 1954.

(*Received the assent of the Rajpramukh on the Twentieth Day of November 1954*).

An Act for extending the operation of the Indian Contract Act, 1872, to contracts relating to agricultural land.

WHEREAS it is expedient to extend the operation of the Indian Contract Act, 1872 (Central Act IX of 1872) to contracts relating to agricultural land in the whole of the State of Mysore except Bellary District ;

Be it enacted by the Mysore State Legislature in the Fifth Year of the Republic of India as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Mysore Contract (Extension to Agricultural Land) Act, 1954.

(2) It extends to the whole of the State of Mysore except Bellary District.

(3) It shall come into force at once.

2. Extension of Central Act IX of 1872, to contracts relating to agricultural land.—The Indian Contract Act, 1872 (Central Act IX of 1872) shall apply to contracts relating to agricultural land in the same manner and to the same extent as the said Act applies to contracts other than those relating to agricultural land and, be in force in the whole of the State of Mysore except Bellary District.

3. Repeal of Mysore Act IX of 1872.—The Contract Act, 1872, (Mysore Act IX of 1872) is hereby repealed.

WD 3135—GPB—2,000—16-5-55.

VOLUME IV

INDEX

A

PAGE

Agriculturists' Relief (Amendment) Act, 1953 (13 of 1953) ... 526
Appropriation Act, 1951 (III of 1951) 1
Appropriation No. 2 Act, 1951 (X of 1951) 14
Appropriation No. 3 Act, 1951 (XI of 1951) 16
Appropriation No. 4 Act, 1951 (XXXVII of 1951) 313
Appropriation Act, 1952 (X of 1952) 430
Appropriation (Vote on Account) Act, 1952 (XI of 1952) ... 433
Appropriation (No. 2) Act, 1952 (XXI of 1952) 479
Appropriation (No. 3) Act, 1952 (XXX of 1952) 497
Appropriation Act, 1953 (1 of 1953) 509
Appropriation (No. 2) Act, 1953 (2 of 1953) 511
Appropriation (No 3) Act, 1953 (18 of 1953) 530
Appropriation Act, 1954 (3 of 1954) 533
Appropriation (No. 2) Act, 1954 (12 of 1954) 542
Appropriation (No. 3) Act, 1954 (13 of 1954) 545

B

C

Cinemas (Regulation) Act, 1952 (XXXI of 1952) 499
Cinematograph Shows Tax Act, 1951 (XVI of 1951) 48
Civil Courts (Amendment) Act, 1951 (XXXVIII of 1951) ... 315
Code of Civil Procedure (Mysore Amendment) Act, 1952 (XIV of 1952) ... 459
Co-operative Societies (Extension of Application to Bellary) Act, 1954 (8 of 1954) 539
Contract (Extension to Agricultural Land) Act, 1954 (29 of 1954) ... 557
Cultivation of Fallow Lands Act, 1951 (XVII of 1951) 51

D

Madras District Boards (Mysore Amendment) Act, 1954 (2 of 1954) ... 532

E

Education Cess (Validation of Recovery) Act, 1951 (V of 1951) ... 4
Evacuee Interest (Separation) Mysore Supplementary Act, 1953 (11 of 1953) 525

F

G

Madras General Sales-Tax (Mysore Amendment) Act, 1954 (26 of 1954) ... 555

H

	PAGE
Health Cess Act, 1951 (XVIII of 1951)	56
High Court (Amendment) Act, 1951 (XXXV of 1951)	312
House Rent and Accommodation Control Act, 1951 (XXX of 1951) ...	273
House Rent and Accommodation Control (Amendment) Act, 1954 (22 of 1954)	550

I

Industrial Disputes (Mysore Amendment) Act, 1953 (15 of 1953) ...	529

J

K

L

Labour (Administration) Act, 1952 (XVI of 1952)	463
Legislature (Prevention of Disqualification) Act, 1951 (XXV of 1951) ...	246
Legislature (Prohibition of Simultaneous Membership) Act, 1951 (XXXIII of 1951)	310
Legislature Salaries Act, 1952 (XX of 1952)	417
Livestock Improvement Act, 1951 (XIX of 1951)	58
Lotteries and Prize Competitions Control and Tax Act, 1951 (XXVII of 1951)	247

M

Maternity Benefit (Extension to Bellary) Act, 1954 (23 of 1954) ...	551
Ministers Salaries and Allowances Act, 1952 (XIX of 1952) ...	465
Motor Vehicles (Mysore Amendment) Act, 1953 (4 of 1953) ...	528
Motor Vehicles (Taxation and Tolls) Act, 1951 (XII of 1951) ...	19

N

O

P

Payment of Wages (Mysore Amendment) Act, 1952 (XV of 1952) ...	461
Places of Public Resort Act, 1952 (XXVII of 1952)	490
Police (Amendment) Act, 1954 (20 of 1954)	547
Madras Preservation of Private Forests (Mysore Amendment) Act, 1954 (6 of 1954)	537
Prohibition of Smoking in Show Houses and Public Halls Act, 1952 (XXIX of 1952)	494
Public Debt Act, 1953 (6 of 1953)	514

Q

R

	PAGE
Race Courses Licensing Act, 1952 (VIII of 1952)	424
Restriction of Habitual Offenders Act, 1952 (XXIII of 1952) ...	482
Restriction of Meetings near the Legislative Assembly Act, 1951 (XV of 1951)	46

S

Shops and Establishments (Extension to Bellary) Act, 1954 (24 of 1954)...	553
Silk Worm Seed (Control of Distribution) Act, 1952 (XXXIII of 1952) ...	503
Stamp (Amendment) Act, 1954 (11 of 1954)	541
State Aid to Industries Act, 1951 (XX of 1951)	66
Madras Sugar Factories Control (Mysore Amendment) Act, 1954 (7 of 1954)	538
Suits Valuation Act, 1951 (XXXIX of 1951)	316
Survey and Boundaries Act, 1951 (VIII of 1951)	6

T

Tenancy Act, 1952 (XIII of 1952)	436
Tenancy (Amendment) Act, 1954 (5 of 1954)	536
Madras Tenants and Ryots Protection (Mysore Amendment) Act, 1954 (28 of 1954)	556
Town Municipalities Act, 1951 (XXII of 1951)	77
Transfer of Property (Extension to Agricultural Land) Act, 1951 (XXXII of 1951)	309

U

V

Village Panchayets and District Boards Act, 1952 (IV of 1952) ...	320

W

Warehouses Act, 1951 (XXIX of 1951)	262

X

Y

Z